

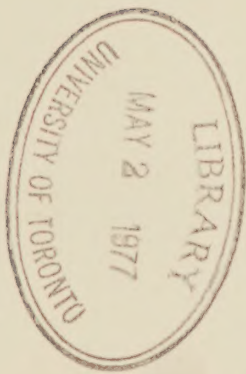
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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---

Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

---

TENTH DAY  
MARCH 16, 1943

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INDEX TO CONTENTS

Communications .....	1070
Submission by Mr. D. J. Matheson (by mail) on behalf of the National Union of Petroleum Workers, Local No. 1, Petrolia .....	1073
Submission by Mr. Charles S. Buck (by mail) on behalf of London Labour Representation Committee.....	1078
Submission by Mr. C.C. Calvin on behalf of Otis-Fensom Elevator Company.....	1079
Submission by Mr. T.C. Sims on behalf of the Ontario Communist-Labour Total War Committee .....	1093
Submission by Mr. G. Burt on behalf of members of United Automobile, Aircraft and Agricultural Implement Workers of America .....	1122
Submission by Mr. T. Sherwood, President, U.A.W., Local 251, Wallaceburg, on behalf of employees of Dominion Glass Company, Wallaceburg.....	1137



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INDEX TO CONTENTS - 2

C.C.F. Trade Union Committee,.....	1173
Submission on behalf of Sudbury Mine, Mill and Smelter Workers Union, International Union of Mine, Mill and Smelter Workers,...	1196
Submission on behalf of Locals 240 and 241, 598 and 637 of International Union of Mine, Mill and Smelter Workers,.....	1228
Submission by R. J. Deachman,.....	1241
St. Catharines Citizens' Delegation, St. Catharines District Trades & Labour Council,.....	1258
Newspaper Guild,.....	1280
International Association of Machinists,...	1298





LIST OF WITNESSES

Calvin, C. C. ....	1079
Freed, N. ....	1088
Sims, T. C. ....	1093
Burt, Geo. ....	1122 1135 1142
Poole, W. ....	1129
Cassey, D. ....	1130
Sherwood, T. ....	1137
Coulson, C. V. ....	1143
Alleyn, Gerald, ....	1146
Dowden, Joan, ....	1150
Seath, Samuel K., ....	1154
Christie, Jack, ....	1165
Dowling, F. W., ....	1173
Furnerfull, W., ....	1174
Miner, R. G., ....	1196
Nowalkoski, Joseph, ....	1202
Miner, R. G. (recalled), ....	1205
McCool, John K., ....	1210
Deachman, R. J., ....	1241
Garc, George, ....	1258
Steeve, Fred, ....	1269
McLeod, A.A., ....	1280
Raith, Alex., ....	1298
Clark, Harry, ....	1311

---





LIST OF EXHIBITS

NO. 140	Letter dated March 13, 1943, from J.E.Raftis, 28 Parkhurst Drive, Leaside, Ontario, to the Honourable G.D.Conant, Prime Minister of Ontario	1071
141	C.N. telegram dated Windsor, March 15, 1943, from Arthur J. Reaume to the Chairman and Members of the Legislative Select Committee on Collective Bargaining.....	1071
142	C.N. telegram dated Galt, Ontario, March 15, 1943, from the South Waterloo Steel Workers' Council to the Hon. G. D. Conant.....	1071
143	Letter dated March 12, 1943, from Albert E. Edgington, representative and recording secretary of United Brotherhood of Carpenters and Joiners of America, Local No. 18 to the Chairman, Collective Bargaining Committee.....	1072
144	1942 Basic Agreement between United Brotherhood of Carpenters and Joiners of America, Local No. 18 and the Hamilton Construction Association in effect May 1, 1941, until rescinded and also working conditions and rules	1073
145	Undated letter bearing receipt stamp "March 16, 1943" from D.J. Matheson, Secretary-treasurer, National Union of Petroleum Workers, Local No. 1, Petrolia, Ontario, to the Hon. Jas. Clark	1073
146	Letter dated March 12, 1943, from Charles S. Buck, Secretary, London Labour Representation Committee, to Mr. J. Clark, Chairman, Special Legislative Committee.....	1078
147	Booklet marked "Constitution and Procedure - Wartime Advisory and Production Plan - Otis-Fensom Elevator Company, Limited, Hamilton, Canada." .....	1086
148	Booklet marked "A Statement for the Information of Employees - Otis-Fensom Elevator Company Limited, Hamilton, Ontario, Canada."	1086





LIST OF EXHIBITS (2)

NO. 149	Document filed by Mr. C.C. Calvin dated December 1, 1942, and marked "Employee Relations - Adjustment Procedure" .....	1086
150	Photostatic copy of document in German language with translation appended. ....	1088
151	Dodger headed: "More Otis-Fensom Guns for General A. McNaughton! U.E.Local 515's Slogan" and marked at the foot: "United Electrical, Radio and Machine Workers of America, C.I.O., C.C.L., Hamilton .....	1088
152	"Notice of Election", Department of Labour, Ontario, in respect of Long Manufacturing Company and the U.A.W.-C.I.O., Local 195, Dated Tuesday, March Ninth, 1943,	1162
153	United States of America National Relations Board, Notice of Election, dated March 4th, 1943,	1163
154	Petitions,.....	1172
155	Petitions,.....	1172
156,	Petitions,.....	1172
157	Petitions.....	
158	Collective Bargaining agreement between the International Nickel Company of Canada and United Copper Nickel Workers,.....	1298

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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

----Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE.

Hon. J. H. G. ... M.P.P. Chairman.	Windsor-Sandwich Riding
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J. A. A. Habel, M.P.P.	Cochrane North Riding
Mr. H. L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F. R. Oliver, M.P.P.	Grey South Riding
Mr. J. P. Mackay, M.P.P.	Hamilton East Riding
Mr. T. P. Murray, M.P.P.	Renfrew South Riding

TENTH DAY

In Committee Room No. 1  
Parliament Buildings  
Toronto

Tuesday, March 16, 1943 at 10.30 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).





---Mr.F.A.Brewin, Counsel for the United Steel Workers of America.

---Mr.J.A.Sullivan, vice-president of the Trades and Labour Congress of Canada, (A.F.of L.) and president of the Canadian Seamen's Union.

---Mr.O.C.Calvin, representing the Otis-Fensom Elevator Company, Limited, Hamilton.

---Mr. Norman Freed, representing the Ontario Communist Labour Total War Committee of Toronto.

---Messrs. George Burt, Carl V. Coulson and John Christie, representing the United Automobile-Aircraft-Agricultural Implement Workers of America, U.A.W.,C.I.O.

---Mr. Thomas Sherwood, representing Local No.251,W.A.W., Wallaceburg.

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MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

What is the first order of business, Mr. Furlong?

MR. FURLONG: I have some letters and telegrams here, Mr. Chairman, in favour of the bill, from:

Mr. J. E. Raftis, Leaside.  
Mr. Arthur J. Reaume, Windsor.  
South Waterloo Steel Workers' Council, Galt.  
United Brotherhood of Carpenters and Joiners of America, Local No. 18

THE CHAIRMAN: There are two other communications addressed to me which have just come in, one of them apparently quite interesting, from the National Union of Petroleum Workers, Local No. 1, Petrolia, signed by Mr.D.J.Matheson, secretary-treasurer, and the other from Mr. Charles S. Buck, secretary, London Labour Representation Committee.

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---EXHIBIT NO. 140: Letter dated March 13, 1943, from J.E.Raftis, 28 Parkhurst Drive, Leaside, Ontario, to the Honourable G.D.Conant, Prime Minister of Ontario:

"Dear Sir:

"As a technician working in a very important War Industry I urge you to adopt a bill giving the rights of Collective Bargaining, not only to factory workers, but also to technicians and engineers, etc. as well.

"I also urge that this bill pertain to groups of employees, as well as whole plants.

"Yours truly,  
(sgd) "J.E.Raftis."

---EXHIBIT NO. 141: C.N.telegram dated Windsor, March 15, 1943, from Arthur J. Reaume to the Chairman and Members of the Legislative Select Committee on Collective Bargaining:

"I would like to add my voice to those supporting a collective bargaining bill for this province STOP In my opinion legislation of this type would be very beneficial to both employee and employer STOP From my experience I know it is just what Windsor has needed for quite some time past.

"Arthur J. Reaume."

---EXHIBIT NO.142: C.N.telegram dated Galt, Ontario, March 15, 1943, from the South Waterloo Steel Workers' Council to the Hon. G.D.Conant:

"South Waterloo Steel Workers' Council representing twelve local unions Waterloo-South unanimously endorses the principle of compulsory collective bargaining STOP We urge you to do everything in your power to see that such type of legislation is passed in the interest of the working population of





this district in view of the fact that you are our representative in the Ontario House we feel that you are the proper person to put forward our views before the House  
 STOP Employers discrimination and intimidation tactics being used in this district now can only lead to a general upheaval in industry in this locality.

"UNITED STEEL WORKERS OF AMERICA  
 LOCAL UNIONS 2859, 2871, 2931, 2894,  
 2905, 2902, 2000, 2629, 2890, 2899,  
 2904, 2903 - 26 Ainslie Street North."

---EXHIBIT NO. 143: Letter dated March 12, 1943, from Albert E. Edgington, representative and recording secretary of United Brotherhood of Carpenters and Joiners of America, Local No. 18 to the Chairman, Collective Bargaining Committee:

"UNITED BROTHERHOOD OF CARPENTERS AND JOINERS  
 OF AMERICA - LOCAL NO. 18

"March 12, 1943.

"The Chairman,  
 Collective Bargaining Committee,  
 Parliament Buildings,  
 Toronto, Ontario.

"Dear Sir:

"By instruction of the Executive Board of Local 18, I am writing a few words on one aspect of Company unions. As you will see by the copy of our agreement which is enclosed, our organization is able to negotiate an agreement with our employers.

"Company Unions are usually employers organizations maintained to perpetuate sub-standard wages. The Steel Company of Canada in Hamilton refuses to issue passes to trade union representatives because, according to Mr. Martin, that is the company's policy. By the way, the Steel Company is the only firm in Hamilton to refuse us permission to visit our men on the





job.

"On the other hand, although there is a ceiling on wages, there is no floor on wages and the Steel Company pays its carpenters much lower than the agreement with our employers calls for, approximately one-third less.

"There is danger in a situation where a worker's employment is in jeopardy unless he joins an employer dominated organization. In theory both employers and employees have equal representation, but our experience has taught us that in practice the employer vote is solid with added votes from pliable workers.

(SEAL) "Sincerely yours,  
(sgd) "Albert E. Edgington,  
"Representative and Rec. Sec."

---EXHIBIT NO. 144: 1942 Basic Agreement between United Brotherhood of Carpenters and Joiners of America, Local No. 18 and the Hamilton Construction Association in effect May 1, 1941, until rescinded and also working conditions and rules.

---EXHIBIT NO. 145: Undated letter bearing receipt stamp "March 16, 1943" from D.J. Matheson, Secretary-treasurer, National Union of Petroleum Workers, Local No. 1, Petrolia, Ontario, to the Hon. Jas.Clark;

"NATIONAL UNION OF PETROLEUM WORKERS  
LOCAL NO. 1.

"Hon. Jas Clark  
Parliament Bldgs.  
Toronto, Ont.

"Dear Sir:

"I have the pleasure to submit for the consideration of your Special Committee on Collective Bargaining legislation, the enclosed brief setting forth their views on subject.

"Yours very truly,  
(sgd) "D.J.Matheson, Sec.Treas.



"NATIONAL UNION OF PETROLEUM WORKERS, LOCAL NO.1  
PETROLIA ONTARIO

"To the Chairman and Members  
Collective Bargaining Legislative Committee  
Parliament Buildings,  
Toronto, Canada.

"Gentlemen:

"Prior to the presentation of argument as to the necessity of Collective Bargaining Legislation, may we state that our Union formed in the refinery branch of Canadian Oil Co. Ltd. was organized in the belief that Collective Bargaining Legislation was to be enacted at a Special Session of the Legislature and the Employees concerned thought it wise to be fully organized to take advantage of such legislation. We had seen so many instances where Unions had been formed but in order to obtain recognition by their employers Strikes, Lock-outs, etc; had to be resorted to, none of which are desired by any normal human being. We timed our organization so that in the event of our Employers refusing to bargain with us, Legislation would be at hand to prevent the necessity of using such unpleasant-tries as mentioned above.

"Needless to say, the turn of events at the opening of the Special Session when no such legislation made its appearance, our members felt that we had been 'let down' and the reality of such a thing as Responsible Government was open to question. We had taken the utterances of responsible members of the Crown at their face value and not until the Legislature had convened was any indication given that an entirely different





procedure was to be followed and we trust that confidence in our democratic form of government may be restored by the immediate enactment of this legislation so that the promises of those charged with the defining of the policies of their Department may be honoured.

"To be called upon to present argument at this time in favour of collective bargaining legislation would appear like 'carrying coals to Newcastle.' The principle has already been endorsed by the three major political parties in the dominion by the Federal Liberal Party in that the present Government of Canada has granted the right of employees in war industries under their control to so bargain. The Federal Progressive Conservative Party by their platform and the Provincial branch of the same party by the enunciations of their leader, while the C.C.F. are giving it their unconditional approval both in the Provincial and Federal field. It would appear also that at some time the present administration gave such legislation the green light else how could a former premier and the present Minister of Labour, on several occasions publicly announce the intended introduction of collective bargaining legislation.

"As employees, we are not asking for any special favours which we would deny to any other group in the community. The manufacturers have their associations, the doctors, dentists, lawyers, farmers, merchants, etc. all have their individual unions - only they call them by another name - all for the purpose of jointly co-



operating for the protection and promulgation of their common interests. That such rights should be denied employees at this stage in the world's history or even questioned is like an excursion back to the middle ages - the days of feudal lords and barons.

"We are asking for the privilege of bargaining collectively that cut-throat practices in the labour market might be eliminated, and that the dignity of labour might be enhanced, that by joint cooperation, not alone in our own specific industry, but with those in every other industry we might create and maintain a greater sense and reality of security of position and with this, advance the economic status of the working man as a whole throughout the Dominion of Canada that our sons and daughters may be enabled to take full advantage of any and every opportunity that may arise which, in so many instances, is denied them now.

"We, as free men, ask the right to join the union of our choice, and maintain that such a union should be free from all employer encumbrances and that such a union, as far as possible, should be on a national basis. Company unions are entirely too localized and there can never be developed through them that community of interest which is so essential if labour is going to play its full part in the development of the national life of our dominion. Company unions for this reason will merely accentuate disunity and sectionalism, and surely rather than add fuel to that fire already briskly burning, we in this banner province should give the lead in properly applied corrective measures.





"We feel that the sudden spur given the formation of company unions since bargaining was mooted is nothing more than a deliberate attempt to throttle the formation of unions on a national basis, where the representatives of the workers in our varied industries from Halifax to Vancouver could gather in democratically constituted conventions and there formulate policies based on the national needs rather than from a narrow sectional viewpoint. In short company unions tend to foster selfishness, disunity and lack of proper co-ordination, whereas a union national in formation and under the sole control of those whom it seeks to serve will develop a true spirit of cooperation and unity together with a sense of responsibility that they are now an integral part of the machinery which controls our national well-being.

"In the last analysis, gentlemen, is it not about time we shed our swaddling clothes in this the banner province of our dominion and took the lead in the enactment of sane, fair and just labour legislation? To date we have been far behind many of our sister provinces and in comparison with some other members of our commonwealth family - well, there is just no comparison possible. Let us be men and cease this idiotic business of banding innuendoes and subtle propaganda which can have but only one result, the further disintegration of our national unity, a situation which might, yes and will create a serious national crisis should there be further deterioration. Let us view the situation as Christian gentlemen and



deal with it in that light and we are sure that a just and equitable solution shall be found.

"National Union of Petroleum Workers,  
 "Local No.1,  
 "Petrolia,..... Ontario  
 (sgd) "D.J.Matheson,  
 "Secretary-treasurer."

---EXHIBIT NO. 146: Letter dated March 12, 1943, from Charles S. Buck, Secretary, London Labour Representation Committee, to Mr.J. Clark, Chairman, Special Legislative Committee;

"1081 Richmond Street,  
 "London, Ont., March 12, 1943.

"Mr. J. Clarke, Chairman,  
 "Special Legislative Committee,  
 "Parliament Buildings,  
 "Toronto, Ont.

"Dear Mr. Chairman:

"On behalf of twenty-three labour organizations represented in the London Labour Representation Committee, I have been instructed by the executive committee of this body to urge the special legislative committee to report favourably upon a measure of genuine collective bargaining for Ontario workers. This delegate body demands that such a bill include the right of workers to organize freely. To make this possible, the L.L.R.C. emphasizes the need to ban yellow-dog contracts, the intimidation of workers and the setting up of company unions. Believing that those who would force unions to register and to become corporate bodies are seeking a way to restrict the rights of workers, this committee stresses its opposition to clauses of this kind.

"Delegates of this body believe that no measure could be enacted in Canada that would more strongly





encourage the thousands of industrial workers to drive harder toward victory over fascism.

"I am,  
 "Yours respectfully,  
 (sgd) "Charles S. Buck,  
 "Secretary,  
 "London Labour Representation Committee."

---

MR. FURLONG: Then, Mr. Chairman, I will call Mr. C.C. Calvin. I do not think it will be necessary to swear him.

MR. CALVIN: Mr. Chairman, I have here a copy of the submission I desire to read to the committee.

Submission by Mr. C.C. Calvin on behalf  
 of Otis-Fensom Elevator Company:

"OTIS-FENSOM ELEVATOR COMPANY LIMITED

"Hamilton, Ontario,  
 "March 11th, 1943.

"The Select Committee on Collective Bargaining,  
 Ontario Legislative Assembly,  
 Parliament Buildings,  
 Queens Park,  
 Toronto, Ontario.

"Mr. Chairman and Gentlemen:

"On behalf of the Otis-Fensom Elevator Company Limited, I wish to go on record in refutation of certain statements made by Mr. C.S. Jackson of the United Electrical, Radio and Machine Workers of America, as recorded in the proceedings of your committee for the afternoon session, Thursday, March 4th.

"In practically every instance in which Mr. Jackson makes reference to this company his statements are either inaccurate or mistaken. For example, Mr. Jackson



submitted that his union was instrumental in the establishment of labour-management production committees in this company, amongst others. This is completely in error. Far from instigating our committee scheme, which we refer to as the Wartime Advisory and Production Plan, the U.E. Union, through their local affiliates, opposed its adoption and, on the basis of a purely preliminary announcement, protested its terms in a telegram addressed to the then Director of National Selective Service. As a result Mr. D.B.Chant, an official of National Selective Service and a recognized authority in the matter, came to Hamilton, examined the detailed provisions of our scheme then in final stages of development, and discussed the matter with representatives of the local U.E. Union. His finding was that the protest was groundless and that our Plan conformed to the objectives of National Selective Service, which exercises advisory powers on behalf of the government in this connection. The fact that we were authorized to describe our Plan as 'developed with the co-operation of National Selective Service' is conclusive proof of the latter point. The irrefutable fact is that our co-operative committee scheme, participated in by 72 freely elected employee representatives and an equal number of Management appointees, was originated solely on the initiative of our Management and developed in collaboration with a representative body of elected employees in addition to National Selective Service. This is not the only respect in which the local C.I.O.





affiliate has claimed credit for accomplished or tentative measures which it has, in fact, merely grasped at the first opportunity as instruments of agitation amongst our employees. A copy of the Constitution and Procedure of our Wartime Advisory and Production Plan is submitted.

"Mr. Jackson also states that at an election of the Otis-Fensom Recreation Club, an employees' organization which has been in existence for nearly 25 years, Company officials impressed 200 girls to vote on the question of forming an Industrial Relations Committee without knowledge as to what they were voting for. So far as the Company is implicated in this statement, by inference of the term 'Company officials', it is a complete fabrication. No Company official who has the necessary authority was instructed to nor did, in fact, so act. As to the further facts of the matter, I am informed that the responsible official of the employees' Recreation Club intends to submit to your Committee a statement conclusively disproving the allegation.

"The statement is also made that this Company supplied the services of Mr. R. R. Evans, K.C., to a 'Company union.' The fact is that this Company has never, on any occasion, retained or supplied the services of Mr. Evans for any purpose whatsoever, a statement which may be readily corroborated by reference to Mr. Evans.

"In reply to a question, Mr. Jackson replied, 'We have a majority in the Otis-Fensom Company.' No vestige



of evidence exists to support this claim. It was made in equally unqualified terms when the U.E.Union first communicated officially with this Company nearly two years ago. At that time it was challenged as being patently absurd, and all the subsequent evidence serves to confirm that the claim was and is entirely irresponsible and without foundation. The most recent confirmation of this is the fact that at an intensively advertised meeting of the local U. E. Union, called on February 14th last, for the important purposes of discussing application for a Federal Board of Conciliation and nominating and electing an executive board, only 35 of our current 4,905 works' employees were sufficiently interested to attend.

"This Company is frequently referred or alluded to in a general way, collectively and with a number of others, throughout Mr. Jackson's representations. For this reason it may be in order and of service to the Committee to submit some observations upon the broader import of Mr. Jackson's evidence.

"Mr. Jackson places the total employment in the Canadian plants in which his union is conducting organizing campaigns at over 60,000. He further indicates that the present membership of his union in Canada is 15,000, but without any indication as to whether or not this is membership in good standing. Thus his union represents, upon his own optimum estimate, no more than 25% of the employees of those plants in which his union is active. As a proportion of the total Canadian





employees over which his union would claim jurisdiction, this representation must naturally be very much less, and may not exceed 5%. It should be noted that some individual plants now have employment rolls approaching or exceeding the total Canadian membership of the U.E. Union.

Later in his submission Mr. Jackson expressed the opinion that where 25% or 30% of the employees of a plant indicate a desire to belong to a union, a vote should be taken in the plant by that union. This peculiar and unprecedented suggestion can be better understood when it is recalled that the U.E. claims 25% representation in their field, and when the conditions and methods of voting advocated and demanded by the C.I.O. are taken into account. Mr. Jackson flatly disclaims the right of any independent or 'company' unions or associations of any kind to be represented on the ballot, to the extent that he advocates that they be 'outlawed'. He further considers it improper that workers should be required to choose between any two unions. This is the form of reasoning that has resulted in the development and use, for the purposes of official labour votes, of a form of ballot that can only be described as 'Hitlerian'. This ballot, setting forth one question and one name, has the specious appearance of presenting an alternative in so far as it permits the answers, 'Yes' or 'No', but it does in fact present no real alternative, and is actually calculated and premeditated to restrict the free choice of the voter and bias the result of the vote. A reproduction of



an advertisement illustrating the form of ballot proposed by the local U.E. Union for submission to the employees of this Company, and a facsimile of the plebiscite ballot used by Hitler to subject Austria are attached. The similarity of form and intent of these ballots is striking. The inference is clear in each case; 'Hitler or Chaos'; 'The C.I.O. or Nothing'. Ballots of this insidious character are designed, not to give effect to the democratic freedoms of choice and opinion implicit in the process of secret voting, but are framed to frustrate and pervert them.

"The full implications of Mr. Jackson's representations, which are entirely in accord with the stated principles of the C.I.O., are that he advocates the bringing in of collective bargaining legislation that is predicated, in the first instance, on the views and purposes of a minority of less than 25%. This legislation, by the enforced exclusion of all other labour interests and by the establishment of procedures which are entirely without precedent in any other sphere of legislation, would constantly and deviously operate to the advantage of that minority. The proposed 'outlawing' of all forms of independent association and the demand for exclusive bargaining rights on the basis of a 51% majority are proofs of this intent.

"The Management of this Company is not opposed to collective bargaining nor to the introduction of labour legislation that will hold a fair balance between the various interests and preserve real freedom of choice,





for both individuals and groups. The employee relations procedure established by this Company recognizes collective bargaining by admitting group representation embracing outside interests. At present time the local U.M. Union is availing itself of this procedure, a copy of which is submitted, in a matter now being put to arbitration. But from actual knowledge and experience of labour relations it is opposed to any legislation which will convey sole and exclusive rights to any particular group or which will permit the usurpation of authority by militant minorities through biased and perverted procedure under the guise of democratic processes. A booklet entitled 'A Statement for the Information of Employees' which outlined the labour relations policy and states the official attitude of this Company is submitted.

"Labour, in the collective sense, is not a segregated or differentiated section of the community. It is composed of human beings, having all the dynamic diversities and disparities common to the human race. It cannot be legislated into a rigid C.I.O. or any other specialized pattern. Any legislation which ignores this is bound to fail. Independent employees' unions and associations are not creations of a few employers designed to thwart one particular group or obstruct democratic evaluation. They are a vital expression of a natural human desire to preserve independence of thought and action, or, in a great number of cases, a simple wish to be left alone.



"The conception of Canada's labour relations problem as consisting of 80% of the working population suppressed and tyrannized by employers, while the remaining 20% are exclusively dedicated to the causes of freedom and democracy, is an absurd distortion that would be useless as a basis for any form of legislation.

"The foregoing is respectfully submitted.

(sgd) "W. D. Black,  
"President."

- EXHIBIT NO. 147: Booklet marked "Constitution and Procedure - Wartime Advisory and Production Plan - Otis-Fensom Elevator Company, Limited, Hamilton, Canada."
- EXHIBIT NO. 148: Booklet marked "A Statement for the Information of Employees - Otis-Fensom Elevator Company, Limited, Hamilton, Ontario, Canada."
- EXHIBIT NO. 149: Document filed by Mr. C.C.Calvin dated December 1, 1942, and marked "Employee Relations - Adjustment Procedure":

"December 1st, 1942.

"EMPLOYEE RELATIONS  
ADJUSTMENT PROCEDURE

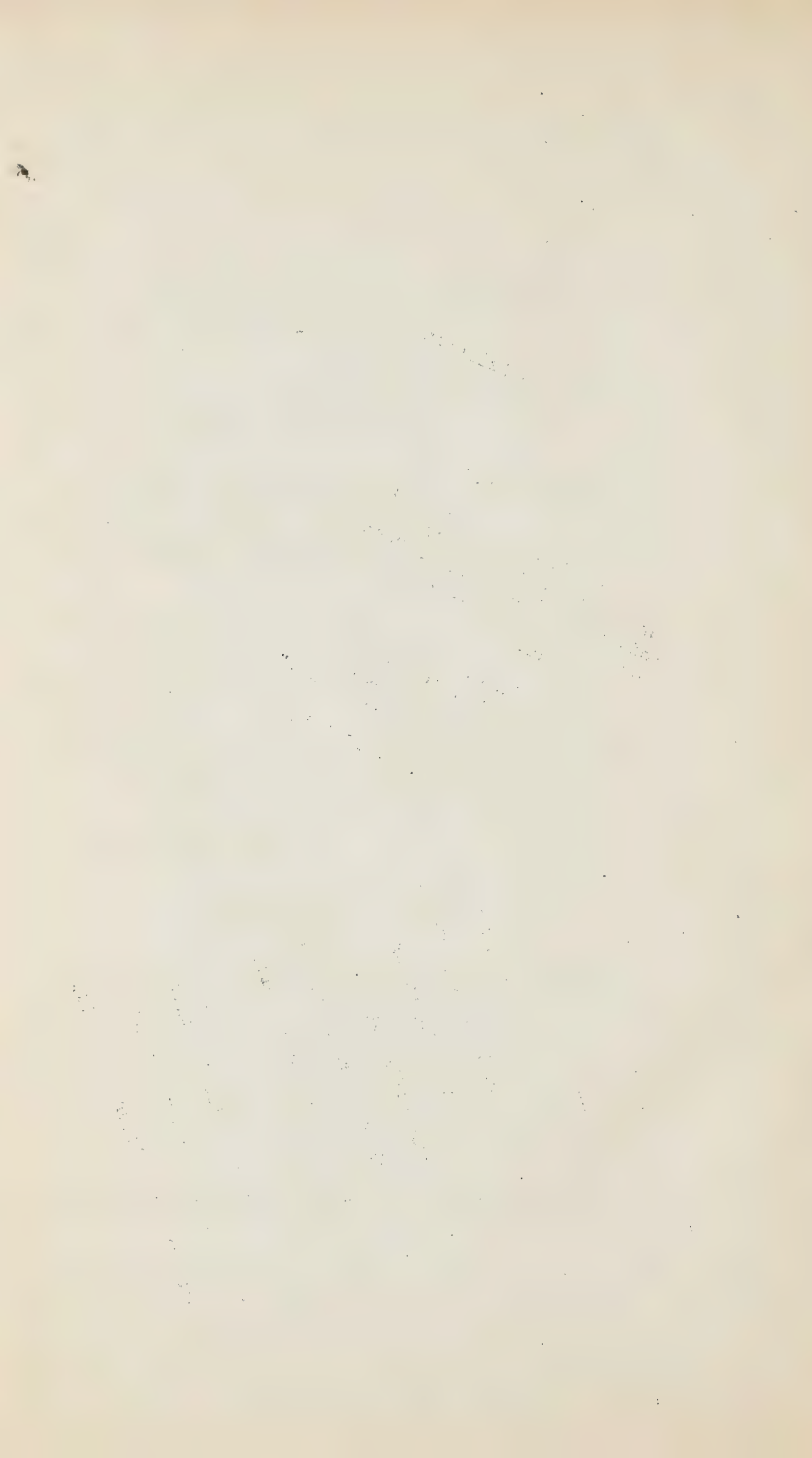
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"Employees are legally free to join any Union or Association of their choice, and are, by law, protected against coercion or discrimination by employers or fellow employees in respect to such affiliations.

"Conforming to this, the following procedure will apply in the adjustment of individual or group employee problems:

"Any employee or group of employees believing that cause for complaint exists should first refer the matter to their Department foreman, either personally





or through a fellow employee of their choice working in the same Department. Failing settlement, the matter may be referred to the Superintendent, personally or through a Committee of three fellow employees.

"Appeals from decisions of the Superintendent may be referred to the Works Manager, and, failing settlement, to the President.

"Appeals to the Works Manager or President must be submitted in writing not later than three days after the decision of the Superintendent has been rendered.

"In respect to appeals to the President, the employee or group of employees concerned may refer the matter to a Committee of three, of his or their choice, which Committee may include one person who is not an employee of the Plant.

"Failing settlement at this stage, the Company will agree to accept reference of the matter to a Board of Arbitration of three members, one to be appointed by the employee or group of employees concerned, one to be appointed by the Management, and the third member by agreement of the first two members. The third member shall be Chairman and shall be a person having judicial experience as a Judge or Presiding Officer in a Court of Justice in Canada.

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"Officials of the Company have been instructed to render decisions without delay on all complaints referred to them.

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"This Notice supersedes all previous Notices concerning Employee Relations Adjustment Procedure."



---EXHIBIT NO. 150: Photostatic copy of document in German language with following translation appended:

"Do you approve of the unification of Austria with Germany as already accomplished on March 13, 1938, and do you vote for the list of our Fuehrer Adolph Hitler.                      Yes                      No."

---EXHIBIT NO. 151: Dodger headed: "More Otis-Fensom Guns for General A. McNaughton! U.E. Local 515's Slogan" and marked at the foot: "United Electrical, Radio and Machine Workers of America, C.I.O., C.C.L., Hamilton."

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MR. FURLONG:    Mr. Chairman, the next gentleman to be heard is Mr. Norman Freed, representing the Ontario Communist-Labour Total War Committee of Toronto.

NORMAN FREED, Sworn.

EXAMINED BY MR. FURLONG:

Q. What office do you hold in the Ontario Communist-Labour Total War Committee of Toronto? A. I am the provincial secretary.

Q. Is this organization incorporated?                      A. No.

Q. It is just a voluntary committee or association?

A. It is a voluntary committee.

Q. Composed of whom?                      A. I was going to state that in my brief, sir.

Mr. Chairman and gentlemen of the committee, this delegation is composed of the following persons:

Mr. T. C. Sims, Director of Production and Promotion  
Alderman Stewart Smith

Alderman J. B. Salsberg, Dominion Director of  
Production and Promotion.





Harry Bell, an employee of the Toronto Shipyards.

Fred Collins, an employee at Inglis (Bren Gun Department)

William Kashtan, Organizational Director.

Beatrice Ferneyhough, Publicity and Educational Director.

It is our desire that Mr. T. C. Sims, our Director of Production and Promotion, should present the brief on our behalf, if that meets with your approval.

MR. HABEL: Q. When was that committee formed?

A. A little over a year ago; I think it was during the period of the federal plebiscite.

Q. In 1942? A. Yes.

MR. FURLONG: Q. Have you any unions or associations affiliated with this committee? A. No.

Q. What is your total membership? A. We have not got a membership. These are committees that function in practically every city in the country, composed of men and women who are primarily concerned with assisting the war effort at the present time.

Q. How are you supported? A. We are supported by people who provide us with funds voluntarily, people similarly minded to ourselves, but there is no membership. I suppose you gentlemen know that the Communist Party of Canada is an illegal organization.

THE CHAIRMAN: Q. Is it still illegal? A. The Communist Party of Canada is still illegal. The Ontario Communist Labour Total War Committee is a legal organization composed primarily, perhaps, of former members of the Communist Party of Canada.



MR. HABEL: Q. Since what date have they changed their minds about their war effort? A. Since the war has changed.

Q. What do you mean by "since the war has changed"?

A. I mean since its character has changed.

Q. What do you mean by that? A. I can go into this, if you like.

MR. MACKAY: Q. Just answer the question? A. I should say the character of the war has changed, in our opinion, to a just war from an imperialist war.

Q. When did that change come, in the opinion of your group? A. It was a process that culminated some time in June, 1941.

Q. When Russia came in? A. Yes, that was the culminating point; but changes were taking place prior to that.

MR. HABEL: Q. And what was the work of your committee before that time? A. I could not tell you.

Q. You could not say? A. No.

Q. I think you know all right. A. I could not tell you.

Q. Are you aware that in 1941 the North Saskatchewan Committee, Communist Party of Canada, issued a handbill reading as follows:

"THUMBS DOWN on the Government's extortion of the meagre earnings of the people! CITIZENS OF SASKATOON! The present 'War Savings' campaign is nothing more than another attempt to extort from you, by means of silk-glove intimidation, earnings (the government



calls them 'savings') which are already hardly sufficient to maintain a healthy and decent living for you and your family.

"IF YOU ARE A HOUSEWIFE, you will be canvassed for 'savings' and given a red, white and blue card to display in your window as proud token of the fact that your children will have to go without the necessary milk, eggs and meat, and thus their disease-resisting powers will be lowered.

"EQUALITY OF SACRIFICE they call it. But surely, Prime Minister Ping cannot mean that the munitions makers and war profiteers are making sacrifices equal to those the people are called upon to make.

"The 'TIGHTEN YOUR BELTS' policy of the King Government does not apply to these profiteers and grafters who plunged our country into war for the sake of greater profits. Behold their PAY-TRITISM, while the Canadian people are asked to pay for the war in HUNGER, POVERTY AND DEATH! ----

A VOICE (from the audience) May I have a word?

MR. HABEL: No. You are not a member of this committee.

ANOTHER VOICE (from the audience) May I ask from what book you are quoting?

MR. HABEL:

"THUMBS DOWN on the out-and-out robbery of the small earnings of the people. THE PROFITEERS AND GRAFTERS WANTED THIS WAR. LET THEM PAY FOR IT!"

Are you aware of that? A. No. What book is that?





Q. I have read from the "Twilight of Liberty".

A. Oh, I am not surprised at that!

THE CHAIRMAN: I understood that we were gathered here for the purpose of listening to arguments pro and con on the wisdom of collective bargaining. If we were to get into an argument as to whether or not the Communist Party in Canada should be a legal or illegal organization I could put up some good arguments one way or the other, but I do not think this committee should get into an uproar as to whether Great Britain saved Russia or Russia saved Great Britain at certain times, or whether the United States is saving us all. In my opinion it is going to take the whole of the united power of the United Nations to clean out these enemies of society in Germany (hear, hear). Many people had violent views about communism before Russia got into the war, and it is a historical fact that Stalin and the Russian Government tried to get the French Government, not represented by the ones in office now, to join in a collective security treaty, but they were unable to do so. Lots of things can be said on either side. I hope this meeting will not turn into a communist or any other sort of gathering. If these gentlemen have any representations to make regarding collective bargaining, I think they are just as free to come here and make them as anybody else, and I, for one, am willing to listen to them without getting into any argument about Nazism, Fascism, Democracy, Totalitarianism, or any other "ism."

MR. HABEL: The point I am trying to make is that



I think it would be a good thing that labour should be aware of the set-up of this committee, and what was their purpose. I think labour should be made aware of the danger of the thing. That is why I mentioned it.

MR. NORMAN FREED: With your permission, Mr. Chairman, I will now call Mr. Sims.

---Witness withdrew.

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THOMAS CHARLES SIMS, Sworn.

MR. FURLONG:Q. Proceed, please. A. Thank you:

Submission of the Ontario Communist-Labor  
Total War Committee, presented by Mr.  
T.C.Sims

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"Mr. Chairman and Members:

"This delegation represents the Communist-Labor Total War Committee movement of Ontario. The majority of our members and supporters are working men and women who are labouring hard in the great war plants, and upon the farms to maintain and increase production to win the war. Our movement warmly greets the establishment of this Select Committee of the Ontario Legislature, and is keenly aware of the fact that your Committee has the responsibility and opportunity to contribute a great deal towards the strengthening of our Ontario war effort. It is clear that in order to win this war every ounce of our war potential in factory and on the farms must be organized through the democratic process. We fervently hope, and expect that your Select Committee will recommend that the





Legislature enact a Collective Bargaining Act which will prove to be one of the strongest pillars of Ontario's war effort and democracy in the work before us to prosecute the war to victory, and in the days to follow when the common task will be to build a stronger, more prosperous Ontario.

"The Communist movement, the left-wing of the Labour Movement, holds very clear and categorical positions upon the basic questions of the war. We are convinced that to win this war there must be the most complete collaboration of all social classes for the object of making the system as it is - the democratic capitalist system - work harder and more efficiently for total war and victory. We stand for unity of workers and farmers and capitalists, for unity of all political parties in Ontario to win the war.

"The enactment of the Ontario Labour Bill will greatly help to facilitate such unity, for the utmost unity is needed now on the war production front - between the workers and the employers, on the industrial and the farm fronts - to make sure that in this, the decisive year of the war, that our Province will keep production going uninterruptedly.

"The Communists are opposed to everything which hinders or interrupts war production. We are against everything that leads to strikes and unrest in our factories. We are against those evils in our manpower situation which have resulted in the serious shortage of manpower on the farms of Ontario. We are opposed to the sub-standard wages which hinder all-out



production, as well as to the low prices paid to our farmers by monopolies, which likewise obstruct production.

"The alternative to disunity, unrest and lack of effort can only be democratic, total war unity, planning and action to make Canadian democracy work better and harder to win the war. The position we take is that the working class and the farmers, in a United and organized way must bring their efforts to bear, to assist the Government and the employers to make Canada's political and economic resources work better and harder for total war.

"The establishment of your Select Committee, and the pledges of the Ontario Government to introduce a Labour Bill, are welcome signs that Ontario democracy is advancing to solve one of the most important questions of the war - the question of stable labour-employer relations which is the decisive question of war production.

"We therefore urge this Select Committee to recommend that a Labour Bill be introduced and enacted at this present session of the Legislature.

"Our suggestions in regard to the kind of Labour Bill needed at the present time can be enumerated as follows:

"1. Workers to have the right to join the union of their free choice.

"2. It shall be mandatory for employers to bargain collectively with the union representing the majority of their employees.



"3. Provision for the taking of ballot of employees to determine the collective bargaining agency, in cases where employer disputes claim of union representing majority, or where employer denies that the Union represents a majority.

"4. Provision for recognition of bona-fide union representing majority of employees upon craft, unit or industrial basis.

"5. Prohibition of employers, or their agents, organizing, subsidizing, or in any way assisting in the organizing of 'company unions' or associations.

"6. Prohibition of 'yellow-dog' contracts and discriminatory practices designed to coerce workers or to cause them to refrain from joining bona-fide union by threats or discharge."

THE CHAIRMAN:Q.In paragraph 5 you say:

"5. Prohibition of employers, or their agents, organizing, subsidizing, or in any way assisting in the organizing of 'company unions' or associations."

Would you say that the company should be prohibited from putting out propaganda or holding meetings? I do not suggest that they should be allowed to subsidize, bribe or intimidate, but would you go so far as to say that they should not be allowed to put their side of the argument forward, and publish the reasons why a company union limited to the men in their own plant is not a far better organization from which the employees would get far more benefits than they would by joining a national or international union? A. They do exactly this.





Q. What do you mean by "this"? A. They agitate, organize and spend money to organize company unions. I think that just as it cannot be agreed today that workers or labour unions should interfere with production and business which is the function of management, - and there is no suggestion in any of the labour movements that labour wants to take over industry or interfere with management of industry - in the same way the employers should keep their hands off the trade union movement.

Q. That is not quite my point? A. I could answer that in another way and state very definitely that unless the employers, and particularly the big employers, cease trying to prevent the growth of trade unionism in the way that, for example, the Otis-Fensom management is pulling for this company union, or in the way that the Steel Company of Canada is organized, or the Inco Corporation, which are concrete examples, there will be difficulty.

Q. In those cases do you allege that they are using intimidation and bribery by offering higher wages to certain key employees? A. I will come a little later to some of these questions, sir, but to put it very briefly, when management interferes by propaganda leaflets, meetings, or whatever you may assume as an action on their part, to convince the workers that an inside union, a company union or so-called independent union is the best for them, I state very definitely that you cannot give me a case of that kind today where it is not against the legitimate trade union. This law should prohibit that practice, and if it does it will help a great deal to



bring employers and workers together.

Q. I was thinking specifically of the Ford Company of Canada, because they had two weeks during which Mr. Campbell and some of the other fellows got out at big meetings of the men and advanced certain arguments suggesting that it might be better to have a union of the men in the Ford plant, but the C.I.O. were allowed to put forth their arguments as to why the men would be better off by joining the C.I.O., and they took an independent vote with the result that the C.I.O. won out 60 to 40, whereupon the Ford Company said: "All right, we will make an agreement with you." What is wrong with that procedure?

A. I think it would have been better for the Ford management not to have done that, and to have left the question alone.

Q. It turned out all right? A. It was a proof of the fact that workers' union in the Ford plant at Windsor had grown pretty strong.

Q. But suppose the vote had gone 60 for the company union and 40 for the C.I.O., what then? A. I do not think, Mr. Chairman, that these questions can be handled in an abstract way.

Q. That is not an abstract case but a concrete case? A. I would give you the example of the Sawyer-Massey plant in Hamilton, where just about two or three months ago there was a vote taken and the union won a majority---

Q. A proper vote? A. Yes, under government supervision. What is the situation there now?





Q. I do not know.      A. The negotiations are stalled, and there is nothing legally on the statute books of Ontario to enable the government to help the workers and the employers to get to an agreement.

Q. Although the union won, the management refused to meet them?      A. Yes.

Q. But do you say that the employer should not be allowed to put forth his side of the argument free from domination, bribery, threatening of dismissals, and so on?

A. Well.

Q. This was a fair, open political argument between the management and the C.I.O., and the C.I.O. won out and the management said: "That is all right with us," and they settled down in peace and harmony.      A. I think it is the general opinion of the labour movement that it would be best if the employers kept their hands and their influence out of the trade union movement.

Q. There was no influence used there; there was merely an argument advanced, and the employees preferred the argument of the C.I.O.; and when the C.I.O. won out the management said: "That is all right with us," and made an agreement.      What is wrong with that?

(No response)

MR. FURLONG: Q. It is a question of free speech, is it not?      A. We have the unfortunate situation in the labour movement today that there is a division among them, and in many industries there is far too much argument between the A.F. of L. and the C.I.O.

THE CHAIRMAN: That will work out in the end, will



it not? A. We hope it will, but when the situation is further complicated by employers lending a hand to the arguments of illegitimate unions---

Q. Oh, that is not the case I have cited. I am as opposed to that as you are, and I think everybody on the committee is opposed to it? A. All right. I am not opposed to employers who understand the functions of trade unions today supporting trade unionism. I think one of the finest examples of such men was Mr. Elliott M. Little who was a big employer of labour and a government servant and who supported the labour movement.

Q. Proceed with your brief, please? A. Yes:

"7. Establishment of a Provincial Labour Relations Board, which shall include adequate representatives of the labour movement, and empowered to administer and interpret the Labour Bill, and to set up machinery adequate to expeditiously and efficiently take up and settle all proposals, claims and grievances of labour and employers. We would suggest that when an application is made for a ballot to determine the bargaining agency that a ruling be rendered within 7 days; that following the decision of the ballot that the union be required to submit its proposed collective agreement within 7 days, and that it shall be required that negotiations on such collective agreement be entered into forthwith and completed within 14 days," - which would mean that most cases could be settled in a month instead of dragging on, in some cases, for two years.



"8. That strict penalties, including cancellation of government contracts, graduated fines and imprisonment be included in the Bill for breaches by the employers of the provisions of the Bill.

"9. No incorporation of labour unions. Labour unions are non-profit-making, voluntary organizations and do not qualify for incorporation in any sense as do industrial corporation, monopolies and other profit-making organizations.

"We suggest that the enactment of a satisfactory Ontario Labour Bill which will define the workers' rights of collective bargaining, the responsibilities of labour, the employers and government, and establish machinery to guarantee that the law will operate efficiently is of paramount importance at the present time because of the following reasons:

"1. Canada and her United Nations' allies are gearing their military, naval, air and economic forces for the invasions of Europe, for the concerted offensive against Hitler Germany upon two or more land fronts in Europe. Our Canadian Army Overseas and our Navy and Air Force will fulfil a very important task in this impending offensive. Our Armed Forces are ready, as Lieut.-General McNaughton has assured us. The historic decisions of the Casablanca Unconditional Surrender Conference for the invasions of Europe, taken into consideration with the revolts in Occupied France and the rumblings in enslaved Europe, the great victories of the Red Army, the stepped-up air bombings of





Germany, and the ferocious counter-attacks of the German war machine, all speak to us in urgent terms of the imperative need to act determinedly here in Ontario to make certain that our full strength will be organized for the impending attack upon Hitler Germany and Italy.

"2. Ontario is the hub of Canada's war effort. Ontario produces 60 per cent of the nation's industrial war output, has given 38 per cent of the men and women in our Armed Forces, provides 50 per cent of the national revenue, and represents 35 per cent of our national population. To keep faith with our compatriots who will bear the brunt of the fighting, dying and sacrificing on the battlefronts overseas, we must make certain that everything is done here in Ontario to guarantee the maximum reinforcements and supplies of weapons and war supplies to our fighting forces.

"3. The enactment and efficient operation of an Ontario Labour Bill is of paramount importance today in order to maintain and accelerate war production, to enable the Labour unions to contribute their entire strength" - and I emphasize the words "their entire strength" - "to the task of winning the war, and to provide a firmer foundation for total-war cooperation and collaboration between labour, the employers and Government in the common task of winning the war.

"4. The enactment and efficient operation of an Ontario Labour Bill is of great importance too in connection with the post-war questions which are the



subject of great public discussion at the present time. Every democratic forward step taken today by Government and the people in the solution of the decisive war questions will also prove to be a contribution to the preparations for the winning of the peace when the labour movement, the farmers, the employers and Government will be called upon to cooperate and make democracy work unitedly to transform our gigantic war industrial production into peace-time production and to provide work and social security for all Canadians now in the Armed Forces and the hundreds of thousands now in war production."

It is either that, gentlemen, or a sharpening of the class struggle in the country. It is either that or the return to strikes and rifts between the employers and the workers, and labour does not want that.

"The war is far from won yet. The enemies we must crush are still powerful. They are fighting with desperate ferocity, and will fight with insane, destructive abandon and vehemence before they are finished off. Hitler and Goebbels have sworn: if fascism is to be beaten they will try to drag the world down with them.

"However, this war, upon which depends the very national existence of Canada and the future of our people, can be won more quickly than many believe, provided the Casablanca decisions for invasions of Europe are carried out soon. This will shorten the war, save millions of precious human lives, and open the way for peaceful collaboration of the United Nations to



build a new and happier world wherein the peoples can live in peace and go forward to democratic prosperity.

"The people of Ontario, in their great majority understand the issues of the day, and time and time again have shown that they want total-war policies to win the war. This is shown again by the province-wide interest and activity supporting the principle of Collective Bargaining. Your select committee has all the evidence of this before it: in the statements and submissions of the Trades and Labour Congress of Canada and the Canadian Congress of Labour and their affiliated unions, in the resolutions of the municipal governments of Toronto, Hamilton, Windsor, Fort William, Port Arthur, Sarnia, Oshawa, Welland, St. Catharines and many other industrial centres. The political movements of our province, Liberal, Progressive-Conservative, C.C.F. and Communist, in their platforms and through their outstanding public spokesmen, have with unanimity pledged support for an Ontario Labour Bill which guarantees genuine collective bargaining, recognition of bona-fide labour unions, and better labour-management-government relationships as essential means to maintain uninterrupted war production and improve total-war morale in our province.

"Before your Select Committee concludes its public sessions and gets down to drafting your recommendations to the Government and Legislature, we feel sure that the record will incontrovertibly show that the overwhelming majority of Ontario citizens, workers, employers, farmers and middle-classes are in favour of the speediest enactment of a satisfactory Ontario Labour





Bill. The Communists unreservedly take their stand with the democracy of Ontario on this great question.

"The Communist movement, in every respect is actively working to help win the war. Our movement is guided by the advice of our comrade Tim Buck, the national leader of our movement, who emphasizes:

'This war, for us in Canada, is a war for the survival of Canada as a nation - free to determine its own destiny through the exercise of the will of the majority of its people. Communists always predicate their policies and proposals on the interests and will of the majority of the people.

'It is clear at this time of world crisis that all classes, all creeds, all parties have the most pressing duty of mitigating and subordinating all their differences to achieve one great military task: the defeat in battle of the forces of world domination represented by Hitlerite imperialism and its satellites.' - Canada in the Coming Offensive, by Tim Buck, P. 5.

"Minister of Labour, Peter Heenan, has pointed out that during 1942 in Ontario there were 83 strikes involving 171,472 workers and that 71,442 working days were lost. Already this year there have been strikes in the automotive and steel industries of our province. In practically every industry and industrial centre disturbing, and in some cases, very grave situations have developed because of the absence of labour legislation which would provide the legal basis and procedure for the taking up and swift settlement of labour-



management relationships.

"In general, it must be admitted that the workers of Ontario, led and influenced by the organized labour movement, have met the tests and demands of the war in a manner which testifies to their patriotism, patience and perseverance. None other than Mr.H.J.Carmichael, Co-ordinator of Production of the Federal Department of Munitions and Supply has said:

'I think that Canadian Labor is entitled to a great tribute from all of us. We (speaking of the manufacturers) see only our own problems. When you figure the regulations, the freezing of wages, the freezing in their jobs, and many other things that they have been forced to accept. We talk about the freezing of salaries and about income taxes. I frankly believe that the sacrifices that our workers have been asked to make are far beyond those that we have been asked to make as leading manufacturers. This puts a desperate responsibility up to us to see that in all our relationships we enter into a new high sphere of thinking, get together, and get to know them.' - Industrial Canada official organ of the C.M.A. Nov. 1942.

"The building up of our modern, well-armed fighting services and the output of planes, ships, tanks, steel, automotive vehicles, artillery, small arms, munitions, foodstuffs and supplies - 70 per cent of which goes to our Allies - and which in its aggregate approaches the amount of our national income of pre-war years - would have been impossible without the self-sacrificing work



of Canadian labour.

"The record proves, as in the auto, aircraft, small arms, railroads, needle trades, shipyards and electrical-radio industries of our province - that collective bargaining and strong labour unions bring greater war production and greater team-work between labour and management. This benefits the nation, labour and employers. Labour does not demand extravagant, high wages or utopian conditions. The adjustment of sub-standard wages will aid the war effort, Mr. Carmichael's statement quoted above, taken into account with the well-known facts regarding the increased efficiency and output of the workers and the rising costs of living prove that organized labour's case is sound, reasonable and patriotic. Full cooperation is needed to unit the efforts of workers, farmers, the employers and Government.

"This record is all the more remarkable when it is known that our Federal labour laws and policies are either hopelessly antiquated or entirely unsatisfactory. For example, P.C. 2865 which purports to define Federal labour policy solemnly declares:

'That employees should be free to organize in trade unions, free from any control by employers or their agents.

'That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other





working conditions with a view to the conclusion of a collective agreement.'

"But these solemn, and high-sounding declarations of P.C. 2865 do not amount to more than pious platitudes. The fact is that the Federal laws do not define or protect the rights of labour to collective bargaining. The fact is that present Federal labour policy results in the snarling up in miles of red-tape of the grievances and just claims of the labour unions."

MR. HABEL: Mr. Chairman, may I bring to your attention the remark that is made about P.C. 2685. I do not think it is fair to make such a remark about a war measure. I do not think we should swallow things like that in this committee without saying a word.

THE CHAIRMAN: To me it sounded perfectly sensible. I do not put it on any higher plane than "pious platitudes." What else is it? It is not legislation.

MR. HABEL: It is a war measure.

MR. HAGEY: Oh, no.

MR. FURLONG: It is a declaration of policy.

WITNESS: That is the opinion of our movement, and I think it is shared by the majority of the Canadian public.

THE CHAIRMAN: It is exactly what it says it is. The Cabinet framed it and put it out as their attitude and view as to what relations should govern. I do not care whether you call it a pious platitude or a measure or a hope.

MR. HAGEY: A pious hope!

MR. FURLONG: Q. You may amend that to read "pious



hope."

MR. HABEL: They said things like that before June, 1941. ..

MR. SALSBERG: So have you, my friend.

WITNESS: I think we should follow Churchill's advice--

MR. HABEL: It would be better for you!

WITNESS: Not at all; not at all better for us than for you, because we who fought against Munich, which brought about this war and placed the whole war in peril, have more--

MR. HABEL: Oh, oh.

MR. SALSBERG: That would be a good subject to discuss in Cochrane, Mr. Habel.

MR. HABEL: You were chased out of there before.

MR. SALSBERG: We can arrange it any time.

THE CHAIRMAN: Gentlemen, this reporter has only one writing hand.

MR. SALSBERG: I suppose the chasing out was democratically done?

WITNESS: -

"Federal law regarding the rights of workers to form free labour unions and to bargain collectively with their employers is entirely unsatisfactory. This state of affairs has placed unnecessary stresses and strains upon the war effort of Ontario and Canada. Furthermore, although the British North America Act specifically provides that the Provinces have jurisdiction in regard to wages, hours of work and working conditions - the basic questions of collective bargaining and labour-employer relationships - the fact



is that Ontario, our principal industrial province is without a law defining these questions.

"It is our opinion that Ontario can, and should set an example on how Canadian democracy can work to the Federal Government and the nation by enacting a satisfactory Labour Bill which will greatly aid in stabilizing labour-management relations and thereby strengthen the entire total war struggle.

"The workers, employers and Government of Ontario, the hub of Canada's industrial war effort, are in a position wherein, although the war has brought many new problems on to the agenda in relation to labour policy and labour-employer relations, the decisive questions of relations between Ontario employers, labour and Government are being dealt with on the basis of the antiquated Industrial disputes Investigation Act of 1907, the toothless P.C. 2685" - which, because of its demand for a strike vote, places labour in a stupid position which does not conform in any way with labour's wishes on the question - "or arbitrary and sometimes contradictory rulings of the Federal Department of Labour, while the Provincial Government itself, as Labour Minister Heenan recently said in connection with the Wallaceburg strike, 'is like a soldier without a sword.' - and soldiers today, gentlemen, need more than swords.

"Plainly, in such a situation, it is a wonder that our industrial effort has gone ahead so remarkably. The Ontario workers in general, and the organized labour movement in particular, we maintain, are justly entitled to some share of the credit for the unprecedented indus-





trial production and records achieved in Ontario during this war.

"The Ontario workers are choosing to join bona-fide labour unions in greater numbers than ever before. This is a sure sign of the upbuilding of democracy, for it is our opinion that the organization of the workers in their labour unions contributes greatly to a disciplined, conscious and united effort on the part of the working class to help win the war, and increase labour's role in the national war effort - which is not possible when the workers are not organized in bona-fide labour unions. It is our opinion that one of the most important levers of democracy to build national unity for the winning of the war is the free trade union movement. Therefore, we welcome every step forward in the building and unification of the labour unions, and give every possible assistance we can to help this.

"It strengthens Ontario's war effort and our national democratic fibre when the auto, steel, metal-mining, munitions, shipyards, electrical, meat-packing, transport and aircraft workers are organized. It is precisely because the workers in such industries have organized, or are organizing in genuine labour unions that our industrial war effort is going ahead so favourably. And, it is all to the good, and easily understandable that one of the main features of the recent growth of labour unionism is that the workers in the basic industries and the largest plants have organized, or are organizing. This rising tide of democracy must



be welcomed and assisted by all who want to win the war in the shortest space of time.

"While Premier Conant and Labour Minister Heenan, and many other prominent figures of the Ontario Liberal and Progressive-Conservative Party (the only two parties represented in our Legislature) have all pledged their support to a Labour Bill which will define and protect the rights of the workers to free trade union organization and collective bargaining, it must also be noticed that a powerful lobby has arisen to block the introduction and enactment of the promised Labour Bill."

THE CHAIRMAN: Q. What is that lobby? I have not seen it.

A. I hope that that the results of the Select Committee will prove that I am wrong.

Q. Do you mean the representations of the people who have appeared before us? (No response)

MR. HABEL: They have the right to do so.

WITNESS: Of course, they have.

THE CHAIRMAN: Q. What do you mean by the word "lobby"?

A. My object is to convince the committee that such men as Mr. Black and Mr. McMaster are wrong from the standpoint of their own interests. It is a strange thing for a communist to be arguing in an endeavour to convince McMaster and Black, and other great capitalists like those men, that the policy they are following in opposing labour unions is cutting their own throats. It is exactly the same policy, although it does not go as far today, that some of the men in Vichy followed when they laid France at the feet of



Hitler. I do not accuse Black or McMaster of being fascists, but let the employers in this province block this labour bill and there is no power on this earth that will stop a disruption of the war effort, gentlemen.

MR. HABEL: Q. You are stating that as a threat?

A. No. I have been inside the labour movement, and in the past year in this province I have been accused as a communist of being a strike-breaker, and as in the case of the Ford strike, my influence as a communist was not enough to convince the workers. Our influence among the workers is very small, but the workers in Ford did not heed the advice of their legitimate leaders or the communists or the government, and from this standpoint it would be very bad for Ontario if the capitalists permit anti-union men such as Black and McMaster and others to interfere with labour, because they are making a very serious mistake which will have the effect of weakening the war effort and weakening themselves. I am not therefore making a threat, but am making an honest plea that anything that can be done to convince these gentlemen of the incorrectness of their point of view should be done, and we will endeavour to do it.

Q. I object to the use of the word "lobby" because, after all, we as members of the committee never were approached by anybody outside of this room. (No response)

THE CHAIRMAN: The witness has explained that by "lobby" he meant representations by people opposing the bill.

Q. Is that correct? A. Exactly.





MR. HABEL: Then "lobby" should read "powerful representation."

MR. SALSBERG: There may be a lobby even though a member of the committee is not approached.

THE CHAIRMAN: It would not be a very influential lobby, in that event.

MR. SALSBERG: I think there is a lobby, but that does not mean that you were approached.

MR. HABEL: There is no such thing.

MR. SALSBERG: Are you authorized to speak on behalf of the whole committee?

MR. FURLONG: Mr. Chairman, we have a long list to finish today.

THE CHAIRMAN: Yes. Please proceed, witness.

WITNESS:-

"Evidence submitted to this Select Committee, we contend, has clearly shown a province-wide movement to misrepresent the trade union movement and the labour political movement. Expensive advertisements have been published asserting that the C.I.O. unions are the only unions interested in the Labour Bill, and that the C.I.O. unions are dominated by the Communists. Other statements have been made in the public press asserting that the C.I.O. unions are dominated by the C.C.F. It is needless to say that there is not a shred of truth in any of these malicious statements," - and the people who say so are very grossly exaggerating the influence of the communists and the whole situation.

"The arguments submitted by the Ontario unions



affiliated to the Trades and Labour Congress of Canada plainly proved that all bona-fide unions in our province favour the enactment of an Ontario Labour Bill, and that fundamentally they all agree upon the main provisions they would like to see included in such a Bill. It is certain too that there will be no important differences regarding the urgent need for such a Labour Bill, or great divergencies as to what it should contain, insofar as the C.C.F. and the Communist movement are concerned. On these questions there is fundamental unity of thought and action insofar as the trade union and political wings of the Ontario labour movement are concerned.

"However, the campaign to muddle the issue and block the Labour Bill does not stop at misrepresentation and newspaper publicity. The campaign has its organizational side. Throughout the province we see a forced, artificial growth of what the labour movement terms 'company unionism'. Your Select Committee has received adequate proofs of this from several delegations. Furthermore, there have been several briefs submitted to you defending and advancing the case for 'company unionism', principally the submissions of the Canadian Manufacturers' Association and the Canadian Federated Council of Employees and Associated Bodies, and its adopted illegitimate parent - the Canadian Federation of Labour

"Controller Sam Lawrence at the Hamilton Labour Conference on the Labour Bill, on Sunday, February 21st,



declared that \$100,000 had been put up to finance the 'company-union' campaign."

MR. HABEL: Q. Where did he get the information?

A. I do not know; but I have so much respect for Controller Sam Lawrence that I accept it.

Q. It is worth what it is worth? A. Yes, it is worth what it is worth.

"Mr. W. T. Burford, discredited former secretary of the national unions, who has been making a racket out of his anti-union paper which was and is financed by advertisements of open-shop employers, seems to have been chosen to head the new 'company-union' set-up. A lot of things can be done with \$100,000 and the support of powerful capitalists. But, with all the seriousness at our command we wish to warn such powerful capitalists as the president of Steel Company of Canada, the president of Otis-Fensom, Ltd., and the president of International Nickel who are now fostering 'company unionism' and provoking industrial strife thereby, that their policies of hostility to organized labour, their denial of the workers' democratic rights, and the discriminatory practices which are going on against their employees are not helping the war effort.

"The temper of the Ontario workers is such that, at this stage of the war and history, they are not going to submit to modern industrial feudalism. The workers' demands for the legal right and protection to choose the union they want to belong to cannot be sidetracked by dishonest attempts to try and dress up the 'company





unions' Burford now adopts as 'unions of the workers' free choice.' And, precisely because there is a war to be won, and because the war is the primary question before the Ontario people today, it is essential that this Select Committee takes the necessary steps to forestall the guerilla war and chaos upon our home front which will certainly ensue if the present campaign of the 'company unionists' is allowed to proceed unchecked by democratic law. Ontario democracy must assert itself through your Select Committee and the Legislature to guarantee stable industrial relations and uninterrupted war production. The reason why such an unscrupulous anti-labour campaign has arisen at this time to prevent the enactment of the Ontario Labour Bill, to attack and smash bona-fide labour unions, to defame the political labour movement and weaken national unity is not hard to discern.

"This campaign arises because a minority of Ontario's most powerful capitalists consider that the war has already been won, that it is all over bar the shouting, and that the time is ripe for the aggravation of class relations in Canada and the weakening or smashing of the labour movement. And, needless to say, this campaign of powerful capitalists will be taken advantage of by all fifth-columnists, by all secret agents and friends of Hitler in Canada, and by all racketeers.

"That this campaign of calumny and opposition to the labour movement does not spring from voluntary associations of workers acting independently, but is



political to the highest extreme is also seen in the assertion that the Ontario Labour Bill must be blocked in order to prevent the enactment of Federal Labour Legislation guaranteeing the right of collective bargaining. That the matter is not without international and inter-provincial ramifications is illustrated by the following quotation:

' . . . Dominion industry is worried by the Ontario Provincial Government's proposal to make collective bargaining mandatory and give the C.I.O. and A.F.L. a monopoly in labour representation. That law would bar independent unions and impose the closed shop and the dues check-off on all Ontario industries. Defeat seems likely - Federal officials and industry fear that if Ontario passes such a law other provinces will follow suit - especially industrialized Quebec where big labour organizations are not strong and where wages generally have been lower than in Ontario. With industry and independent labour joining forces against the Bill, it seems probable that the provincial government would resist C.I.O. pressure and let the plan die in a committee.' - Business Week, Feb.20, p.75."

THE CHAIRMAN: Q. Who wrote that? A. That was written by one of the editorial writers of Business Week, a very authoritative journal of Wall Street.

Q. It must be very "authoritative" when he says the other provinces will follow suit, and Ontario is the



would be possible for this committee to ask the writer to appear before it and state his opinion.

Q. We are not calling anybody who does not want to come, but we shall hear anybody who does want to come before the committee?

A. It is the most political statement that has been made on this bill.

Q. It is stupid, anyway.

A. I hope the committee and the legislature will prove that he misjudges the situation.

THE CHAIRMAN: People who write like that take care not to appear before the committee.

MR. FURLONG: Q. You say: "The Ontario Labour bill must be blocked"?

A. That is his language.

Q. No; it is not in his quotation but in your statement. Now, there has been no representation made here as yet, by manufacturers or others, opposed to collective bargaining. There may be some difference of opinion as to the contents of the bill, but nobody said they were opposed to collective bargaining, so that part of your brief is incorrect. (No response)

MR. GARDHOUSE: After all, this is only the view of one man.

WITNESS: -

"That quotation, we submit, glaringly reveals the plans and thoughts of a minority of capitalists and politicians in Ottawa and Toronto, who in pursuit of their selfish class and careerist aims and personal profits are ready to risk the disruption of our Ontario and Canadian war effort at the very moment when our brothers and sons overseas are tensed to





cross the Channel and face the bloodiest battles in all human history so that Canada shall be free and democratic. That is the issue, Honourable Chairman and Members! That issue must be faced and solved in democratic total-war fashion by this Select Committee, the Legislature and the labour movement and the people of this province.

"Labour has serious responsibilities and must display the greatest discipline, unity and self-sacrifice in these crucial days. We of the Communist movement are counselling labour to display these qualities in every way, and, although we are but a minority within our population, and labour under the difficulties of the undemocratic ban against the Communist Party of Canada, we claim to have done all in our power to strengthen the war effort - as the record shows.

"We strongly urge that this Select Committee recommend to the Government and the Legislature that this Session of the Ontario Legislature enact a Labour Bill as has been suggested by all sections of the labour movement, and supported by wide sections of the general public. This would result in our Ontario Government keeping faith with the people, as we hope that it will, and would do an incalculable good for the betterment of labour-management relations in this, the chief industrial province of the Dominion, for the maintenance of uninterrupted war production and the increasing of the flow of weapons and war supplies to the fighting fronts to guarantee victory in the



the decisive battles looming just ahead."

That is our presentation, and we hope it will help the committee to bring about a good labour bill in Ontario.

THE CHAIRMAN: Do any members of the committee desire to ask Mr. Sims any questions?

---Witness withdrew.

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(page 1122 follows)



MR. FURLONG: Now we have a submission by the United Automobile, Aircraft & Agricultural Implement Workers of America, U.A.W., C.I.O., represented by Messrs. Burt, Christie and Coulson.

THE CHAIRMAN: I think we shall have five minutes' recess in order that the windows may be opened and the smoke cleared out of the room.

---Short recess.

MR. FURLONG: Mr. George Burt has a delegation from Windsor, and desires to introduce them.

---Mr. Burt introduced the delegation.

MR. FURLONG: I will now call upon Mr. Burt to read his brief.

GEORGE BURT, Sworn.

MR. BURT: Mr. Chairman, in presenting the brief we have generalized all the way through, and we would like to go into more detail by requesting persons from the plants represented here to give you factual evidence. I will call upon the persons from these plants as I proceed, if that is satisfactory:

SUBMISSION ON COLLECTIVE BARGAINING  
ON BEHALF OF MEMBERS OF UNITED AUTO-  
MOBILE, AIRCRAFT & AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA, AFFILIATED  
TO THE CANADIAN CONGRESS OF LABOR & THE  
C.I.O.: WINDSOR, AMHERSTBURG, CHATHAM,  
TILBURY, BRANTFORD, SIMCOE, MERRITTON,  
WELLAND, ST.CATHARINES, TORONTO and OSHAWA.

"In submitting this memorandum on behalf of 35,000 organized automobile, aircraft and agricultural implement workers in Ontario, we are prepared to place before this Select Committee factual evidence which in our opinion





should convince the committee of the necessity of adequate collective bargaining legislation.

"Our locals, in Ontario, which have full autonomy are part of a larger international organization with 800,000 members and contracts covering more than 1,000,000 workers on this continent. More than 157,000 of our members are in various branches of the armed forces. Plants in the U.S. with which we have contracts covering one quarter of our members have been awarded the Army-Navy "E" awards for war production. There is no comparable award in Canada but Government officials have time and again paid tribute to the jobs being done by plants in which our members are employed and Prime Minister King, speaking recently to officers of the Canadian Congress of Labor said:

"I want to express real appreciation to the workers of your organization and of Canada in particular for what they are doing so magnificently to further Canada's war effort.'

"Realizing that our main task today is to defeat Hitlerism, we are confident that this committee will facilitate that task by recommending legislation long overdue in this part of the British Commonwealth. We welcome the pledge by leaders of the Ontario Government to introduce a collective bargaining bill.

"We believe our members and workers generally could make greater contributions to the many phases of the war effort if a great deal of their energies were not dispersed in fighting for the elementary right of recognition of genuine unions of their own choice



against organizations under various names which are sponsored and dominated by employers. We believe abundant evidence has been placed before this committee disproving the assertions of certain business interests who have claimed that organization of their employees has not been hampered or opposed. Our experience corroborates much of the evidence already submitted relating to the refusal of employers to bargain collectively and their efforts to frustrate the desires of their workers for genuine unions by the initiation, encouragement and domination of organizations bearing such descriptions as employees' committee, employee representation plans, works council or company unions. We readily concede the right of workers to form an independent union freely chosen by themselves provided it is in no way initiated, encouraged or dominated by the employer.

"Back in 1935 when the Royal Commission on Price Spreads investigated conditions in Canadian industry at a cost in excess of \$500,000, it made the following observations in regard to trade unions which were never implemented in Ontario and which still deserve consideration:

"With the development of the factory system and still more with the general trend to corporate management and concentration, the disparity in bargaining power between the individual worker and the typical employer has grown so obvious that the abstract necessity for collective bargaining is widely accepted. On this



side of the Atlantic, however, practice has not followed this recognition to the extent it has in older countries...

"The method of collective bargaining implies the right of association and the right of freedom from unwarranted interference with such associations. The trade union is, thus far, the normal agency in which workers associate together...

To enter fully into the discussion of the problems of trade union policy, organization and law would be outside the scope of our present reference but sufficient evidence of deplorable conditions has been presented to us to suggest that the Government has a direct responsibility to encourage, so far as possible, one of the natural and most effective instruments for the protection not only of labor but also of the fair employer. The association, on the side of the employer, must be balanced by the trade union on the side of the employee. Mere toleration of trade unions is not sufficient. More adequate recognition of trade unions both by Governments and employers would have a significance wider than that of merely facilitating collective negotiation of wage contracts. As long as the trade union movement is only tolerated, and we have received evidence to show that this is often the case, it will continue to pursue defensive tactics - a prominent official calls them "snarling dog" tactics - which are not likely to be constructive. To the extent that the trade union is recognized as a necessary instrument of economic organization





and control, to that extent the energies and intelligence of the movement can be fully realized for constructive co-operation in the improvement of social conditions. It is the defensive psychology imposed upon unions by experience and circumstance that develops those policies and practices to which objection may sometimes fairly be taken, but which are often utilized by their opponents to create misunderstanding and prejudice.

"Even the simplest legislation is not self-enforcing; still less is labor legislation. By the very nature of the problems it is designed to meet, labor legislation must often be complex and technical and must always be expertly administered by officials whose competence and understanding compel the respect and co-operation of those with whom they have to deal."

#### UNION RECOGNITION & COLLECTIVE BARGAINING

"If there were grounds for such recommendations then, made only after exhaustive investigation, we submit that there is equally greater need for translating them into concrete and practical terms today.

"But the industrial peace which we all desire cannot be achieved merely by what has been described as a pious declaration..."

THE CHAIRMAN: You will have to stop there. One of my colleagues objects to that phrase.

MR. HABEL: No; I do not object to "pious declaration" but to "platitute".

THE CHAIRMAN: Please proceed.

MR. BURT:



"...that workers are permitted to organize and choose their own representatives. Legislation, if it has any value, must provide that the employer is compelled to recognize and bargain with them. Here too, it should be clearly set forth that the union chosen by the employes be recognized as the sole bargaining agency and be made a party to any agreement.

"Any suggestion that collective bargaining be entered into and agreements concluded with 'all the employes' should not be entertained by your committee."

MR. HAGEY: I do not understand that sentence:

"Any suggestion that collective bargaining be entered into and agreements concluded with 'all the employes' should not be entertained by your committee"?

Do you mean individual contracts? A. No. What I mean by that is that employers quite often, when you bargain with them, want to include all the employees under the agreement, and to allow those people to vote who have not signified their desire for collective bargaining either by taking part in the vote or who have been opposed to a union that has been selected by a majority of employees as their collective bargaining agency. Now there is a certain formula that has been developed in Ontario, and we feel it is very dangerous. I will explain this formula later on in the brief.

Q. Please proceed. I understand your point now.

A. I am coming to the election of committee men in the plants by departments, and you will find out exactly what I mean.

"This suggestion is put forward by many employers for the



purpose of evading collective bargaining in good faith. Only a group of workers properly organized, meeting regularly, amenable to group discipline, and responsible to each other and to their organization can properly be a party to a collective agreement as implied by the word 'collective.'

"Our union signed agreements with 21 plants in Ontario during the past 15 months but in more than 50 per cent of the cases it was necessary for the workers to take a strike vote and apply for a conciliation board to obtain the elementary right of recognition under the Industrial Disputes Investigation Act. Particular attention should be given to a recital of what workers must undergo under this Act to obtain recognition because some of its effects undoubtedly linger for some time and militate against an early creation and development of harmony.

"When workers are told that they must take a strike vote to obtain a conciliation board, the natural result is that relations in the plant approach a feverish state which is not productive of harmony and the subsequent entering upon negotiations by both parties in that spirit which is most essential to cooperation. The disharmony is further accentuated when there is a protracted delay in the establishment of the board and the employer uses the intervening period to initiate or encourage company unions, details of which will be discussed later. The cost of such boards, in the majority of cases solely for the settlement of the





issue of recognition, should not be overlooked when it is considered how such funds could be applied more positively in the administration of modern legislation."

In order to bring that more forcibly to your attention I would like to call upon Mr. Walter Poole of the Gar Wood plant, who has had an experience along these lines.

WALTER POOLE, Sworn.

WITNESS: Mr. Chairman and gentlemen, from the time that we made our application for a board of conciliation until such time as the board was set up and rendered their verdict we had to wait about five and a half months. During that time there was an awful lot of ill feeling in the shop and production was disrupted. It was a case, as far as the committee was concerned, of spending most of your day trying to keep the men at work, not trying to get them out but to keep them from going out.

THE CHAIRMAN: Why? A. We were dissatisfied, disgruntled with the conditions. The consequence was that production took a very drastic drop; I would not like to say just how much, because I am really ashamed of the drop it did take in the plant at that time.

Now, after the board was set up and rendered their decision our contract was signed, and immediately there was a different feeling in the shop: production began to go up then, and I am glad to say that at the present time we have got it back to nearly normal and I hope in a short time it will be back to normal.

Q. Or above normal? A. Or above normal, if possible; that is our aim.



Mr. Poole  
Mr. Cassey

1130.

I do submit, however, that in that five and a half months our armed forces were denied many hundreds of pieces of mechanical equipment, due to nothing else but the delay between the application and the rendering of the decision from the board of conciliation. That is all, sir.

THE CHAIRMAN: That is expressed very nicely, Mr. Poole. Thank you.

---Witness withdrew.

MR. BURT: Mr. Chairman, I would like to call on another member of our delegation, Mr. Dan Cassey, from the Ford Office Workers, Local 240, who also had a similar experience in the office of the Ford Company.

DANIEL CASSEY, Sworn.

THE CHAIRMAN: Q. It is not "Casey at the bat"?

A. No; "Casey" is an Irish name, and I have the honour to be a Scotsman!

Honourable Chairman and gentlemen of the committee, the evidence I wish to submit will refer in particular to that phrase in the brief as read by Mr. Burt: "The employer used the intervening period to initiate or encourage company unions."

When we started to organize in the Ford office, Ford Administration Building, we secured our majority and made representations to the company. They kept back an answer for a little more than three weeks.

MR. MACKAY: Q. By "they" do you mean the company?

A. Yes, the Ford executives.

Q. Yes? A. For various reasons. But I maintain,



gentlemen, that during that time they initiated and encouraged opposition in the form of a company union. This company which was set up caused a great deal of strife and disruption in the Ford office, and I may say in fairness that the company disclaims any connection with it. However, at their first organizational meeting the members of the Ford executive were present, and explained, somewhat speciously in my opinion, that they could have nothing at all to do with it, but they encouraged them in this way, by telling them: "When you have the majority, come to see us."

Their answer to us was that they did not dispute our majority but felt that - and I quote now - "It is not timely to accede to your request."

Since that time when they started to counter-organize, supervision itself ..

THE CHAIRMAN. Q. What do you mean by "supervision itself"?

A. I mean supervision of the employees: department heads, assistant department heads, and various leaders with various titles, have taken it upon themselves to round up and use their prestige and influence as leaders to coerce and intimidate employees into joining the company union.

Q. What would they say to show that they wanted to coerce and intimidate employees?

A. It has been said that it would be unfortunate if certain members, particularly girls - they were the most susceptible to that type of tactic - should not become involved in any of the C.I.O. meetings at all, and others carried that idea through. Of course, gentlemen, do not let me leave you with any mis-





Understanding: they do not come right out and say: "If you join the C.I.O. you are fired," but by implication they do that, and some of them believe it.

MR. FURLONG: Q. What is the name of the independent union that was organized? A. They called themselves, first of all, the Ford of Canada Employees' Association.

Q. Was it completed? A. Oh, yes.

Q. And organized? A. Yes.

Q. Is it in operation now? A. Yes.

Q. Has it the most members in it, has it the majority of the office workers in it? A. Definitely not.

THE CHAIRMAN: Q. Has any secret ballot been taken to determine whether they have a majority or you have a majority?

A. No.

MR. ANDERSON: Q. You have no agreement at the present time? A. No; it is in the formative period.

THE CHAIRMAN: Q. Have the other people an agreement?

A. No; except, I suppose there are various ways of giving approval to a thing, one being to withhold disapproval; and that is what they have done on the part of the Ford executives.

MR. HABEL: Q. When had they organized? A. Just after we had organized.

MR. FURLONG: Q. That is just something that has happened in the last month? A. Oh, no.

MR. BURT: Three months ago.

WITNESS: Yes. We held our first organizational meetings in November, and it was not until the end of January or the beginning of February when this company association



started in.

THE CHAIRMAN: Q. I am asking this question for information for myself and also, I think, for the other members of the committee: Is unionism among the office staffs a new thing? I have not heard of it before. Is this an initial attempt to organize <sup>the</sup> office staff of a company in Ontario, or have there been other office staffs organized? A. To the best of my knowledge this is the first, sir.

MR. BURT: No. The A.F. of L. have contracts covering office employees. I might say that when the vote was taken down at Research Enterprises it included the office workers. Our policy is to set them up under separate local unions. We never attempt to organize the office workers first!

THE CHAIRMAN: Q. It is the first bit of evidence before the committee about any union among the office workers.

A. I might also say in regard to your question on intimidation and coercion, sir, that I had a practical experience myself which will illustrate what is happening. There has been various opportunities for promotion, and the question was asked of those who considered that promotion, as to just where did they stand on the union question.

Q. What you might call negative coercion? A. That is true.

Q. "If you don't come along you don't go up"? A. Yes. I will give you my personal side of it: Last August I handed in my resignation in fear and trepidation as to the effect of the new legislation, which I understood was going to be effective in September, freezing labour. I was dissatisfied from a personal point of view, and handed in my resignation



from the cost accounting department of the Ford Motor Company. They were rather pressed for men at the time. There were many transfers. There had been moves, and naturally, as in other places, there were many who had been called into the services. I was asked to reconsider my resignation, and was promised promotion. There was a certain type of work coming up which, according to the story the company gave me then, virtually no one else but myself could carry through to a successful completion. You can take that for what it is worth, as I did! Anyway, I was told that if I stuck to the gun I would have promotion to the purchasing department by Christmas. Christmas came and went. I am still in the cost accounting department. I took the matter up, and it was explained to me very firmly and gently that when a little boy is naughty you must slap his hand.

MR. MACKAY: Q. Who gave you that information?

A. My department head, the man with whom I took it up.

THE CHAIRMAN: Q. He specified the hand? A. Yes.

I think, gentlemen, that is all I should like to say at this time.

MR. MACKAY: Q. With regard to those eligible to join the office union, are executive officers permitted to join such a union? A. Oh, no. They do not, in Local 240 UAW-CIO; but in the proposed set-up with the company union they do, in our particular office. In fact, they go so far as to say the department head will be allowed to vote, but not to hold office!

MR. HAGEY: Q. If you had a secret ballot to deter-





same the bargaining agency that would obviate your trouble?

A. Yes.

MR. FURLONG: Q. That is all you are asking? A. Yes, except that I was trying to bring out the tactics they are using to try to swing things to the company unions. It is good strategy, I admit.

THE CHAIRMAN: Q. Whatever is best for the organization as a whole is best both for labour and management from the long point of view? A. Yes, but that depends on your interpretation of the organizations, sir. Thank you.

---Witness withdrew.

GEORGE BURT resumed the stand.

"We think this committee should take into consideration the benefits of harmonious labor relations which would have been available long ago had the legislation now proposed been in force. We suggest that there is an incalculable reservoir of worker morale and good will which, collective bargaining having been a recognized right, the workers could have diverted into labor-management production committees, investigation of the causes and lessening of absenteeism, assistance on Red Cross drives, Victory Loan and war savings drives, etc. Once they won recognition of their union they were able to give greater co-operation in these endeavours but they have been hampered to no little extent by the obstacles placed in their path through no fault of their own."



I might point out that in the Ford Motor Company there was a great difference in the amount subscribed before as compared with after organization. I will ask Mr. Roy England to tell you about that.

MR. ROY ENGLAND: Mr. Chairman and members of the committee, in the case of the first Victory Loan in 1941, when we were not organized, the Ford workers subscribed \$850,000. In the case of the third loan, when the union and the management participated in the drive we subscribed \$1,420,000.

THE CHAIRMAN: Q. Was there any intimidation or coercion? (No response).

WITNESS: In regard to that question, we have that ironed out now in our contract. Regarding this particular paragraph in the brief we have with us a delegation from Wallaceburg, including the president of the union, Mr. Thomas Sherwood, who is a returned soldier from the last war and whose son is at present a wounded prisoner in Germany. Mr. Sherwood is still on strike in the Dominion Glass trouble, and I think he furnishes a good example of the need of proper labour legislation. It is a non-essential industry, so declared by the federal government, and under those circumstances there is no machinery which can bring labour and management together.

I would like to introduce Mr. Thomas Sherwood at this time.

THE CHAIRMAN: Very well.



THOMAS SHERWOOD, President, U.A.W.  
Local 251, Wallaceburg, Sworn.

WITNESS: Mr. Chairman and gentlemen the situation in Wallaceburg, where a strike has been in progress for seven weeks, is about the best indication in Canada today of the need for a comprehensive collective bargaining bill. The U.A.W. membership in the plant of the Dominion Glass Company at the time the strike was caused, represented 90% of all workers in the plant.

THE CHAIRMAN: Q. How was that determined? A. On the basis of a total employment of 855.

MR. FURLONG: Q. But how did you know that, by your membership cards? A. Yes, by our paid-up membership cards. We represented 90% of all the personnel in the plant, including the office staff and heads of departments, who are not eligible to join.

THE CHAIRMAN: Q. You say "including the office staff and heads of departments who are not eligible to join"?

A. Yes. The total enrolment in the plant at that time was 855, and we had 90% of the total. In spite of this fact, which was admitted by Conciliator Nicol and the company, the right of the employees to join the union of their choice was denied, and the right of the employers to chose the union for their employees was upheld.

THE CHAIRMAN: Q. By whom? A. Firstly by the Conciliator and afterwards by the Honourable Peter Heenan, who admitted that he had no power to settle this strike, no jurisdiction, and no law in this province which would enable him to handle this strike.





MR. FURLONG: He had no power to enforce a vote.

THE CHAIRMAN: Q. I understood you to say that first the Conciliator and then the Honourable Peter Heenan said the right of the 90% majority was denied? A. I am expressing my own opinions. If I am wrong, correct me.

Q. Oh, no. I understood you to say that the right of the 90% to be heard was denied by the Conciliator?

A. May I ask you a question?

Q. Yes. A. Has that right been granted to the majority in the plants?

Q. I do not know. A. If it has not been granted, they are working a nice stand-off on us, and we are still being denied that right.

Q. I do not think you meant what I understood you to say. I understood you to say that first the Conciliator and then the Honourable Peter Heenan denied the right of the majority to bargain and upheld the minority of 10%, is that correct? A. When my children come to me and want money to go to the show and I do not give it to them, they are denied; and that is precisely the position we find ourselves in today.

Q. They may not be denied, but they are prevented from going to the show. You could say: "I have not ten cents in my pocket to give you. I would give it to you if I could, but I have not got it"? A. In that case probably they would sympathize with me! Gentlemen, I ask you: Is this the democracy for which our sons are fighting? There is only one answer: No; there is no democracy. The



aristocracy of industrialists is being forced on the working people of Canada today through the failure of both the Dominion and provincial governments to enact a labour law with teeth in it to protect the workers.

Gentlemen, I ask you to consider these facts: The Dominion Glass Company, which is a monopoly absolutely controlling the manufacture of glass in the Dominion of Canada, employs in four plants less than 3500 workers. The average yearly earnings per worker were under \$1200., and yet this company made net profits per each employee of more than \$1900., by their own financial statement.

These conditions are similar to the conditions which prevailed in Russia under the Czarist rule, where only one class received any consideration.

MR. MURRAY: Q. They would have to pay that out in income tax? A. All right, so what? They made the dough, and it should have been on the pay cheques of the workers.

THE CHAIRMAN: Q. If they paid the workers a little more they would not have so much income tax to pay? A. No.

MR. HABEL: Q. Is not that a fight between the A.F. of L. and your union? A. At the time I am speaking of when the U.A.W. membership was 90% of all workers in the plant the A.F. of L. was not in the plant as a recognized body, and never were.

Q. They were there just the same? A. They were workers in the plant. But this is not a jurisdictional fight. We hold a prior right in this thing.

Another similarity which developed during our strike was the adoption of the practice developed in Russia of calling



out the cossacks to disperse the crowd when they thought they had a little trouble on their hands. In our case they sent in the provincial police. These men came into town and dispersed peaceful pickets. There had been no disorder up to that time. Since the provincial police came into our town public sentiment and support has lined up solidly behind us in our demand for fair treatment and also the demand that collective bargaining legislation be passed at this session.

Calling your attention to the loss to our government and the war effort, may I tell you that the plants now on strike subscribed more than \$70,000. to the last Victory Loan, and that approximately \$30,000. has been cashed in by the strikers to this date. Unless a fair view of this question is taken by the government, these men now on strike will never again be interested in any project which is advanced by that government.

During the Red Cross drive our plant contributed \$10,000. Since the war began the plant war services fund, which I had the honour to start, has sent cigarettes every month to the boys overseas, and \$1. cash to those in Canada. This has been completely disrupted.

Since this strike was called people in the town have made a sharp division in friendship, and many will not attend church or social gatherings for fear of associating with or meeting someone with whose opinions they differ. All this loss in money, services and friendship could have been avoided, and can even be settled now, by an honest gesture on the part of this government in passing the proposed legislation.





THE CHAIRMAN: Q. What caused the strike? A. Intimidation of employees and lack of recognition. Employees were threatened in the plant that if they did not give up their membership in the U.A.W. their rate of pay would be lowered and they would be put on tough jobs instead of nice cushy jobs. The foremen went through the plant telling the workers this.

MR. HABEL: Q. What other union were the workers to join? A. We didn't know about that.

THE CHAIRMAN: The witness said that the strike was caused by intimidation of employees and lack of recognition, and that employees were threatened that if they did not give up their membership in the U.A.W. their rate of pay would be lowered, and so on.

WITNESS: On several occasions they went to employees and gave them seven days notice. Before the time was up, usually after a "scare" period of three or four days, they approached the employee and quietly told him: "We will cancel that notice if you give up your membership in the U.A.W." We have signed statements to this effect in our files at Wallaceburg, and will produce them at any time we are requested to do so.

Now, gentlemen, while I admire the Russian people for the stand they have taken in this war I am not a communist and do not favour their way of life. As evidence of this statement may I say I served in the Canadian army for four and a half years, and at present I have a son a prisoner of war in Germany.

In presenting these facts to the committee I speak as a returned soldier and past-president of the Canadian Legion.

---Witness withdrew.



GEORGE BURT resumed the stand

WITNESS:

"WHY COMPANY UNIONS ARE NOT BARGAINING  
AGENCIES

"We believe that it should be more clearly placed before this committee that employees committees dominated by employers who offer sick benefits, recreation, safety, insurance and pension schemes are not counterfeit substitutes for genuine collective bargaining. By themselves, such plans are worthwhile and have been in operation where we have contracts. But the functions of such initiated and company-dominated committees are limited.

"The imposition of these various forms of company unions on workers should bear serious study. The election of an employees committee by secret ballot by departments gives the employees a committee but not an organization. These so-called representatives do not represent all the employees in a department as in many cases a larger number of employees refuse to vote because they aren't being given a free choice. Even if only 10 out of 50 vote in one department, companies have recognized the one person nominated. In the majority of cases, these so-called employees committees never hold meetings and their contracts are not ratified by the workers directly concerned.

"In many cases the insurance and other benefits to be derived from such committees will be continued under genuine collective bargaining but the fear of losing them is used by employers as a means of coercion.



Through the functioning of a genuine union there is a greater likelihood that such programs of a co-operative nature will be more democratically applied in the interests of the employes, as for instance, when older employes are discharged near the time when they are due for a pension."

I have another example here from the De Haviland Aircraft plant. I might say that we had a company association in the De Haviland plant, but it has since withdrawn from any contest and we have established a very solid relationship with management at De Haviland. We are taking a vote next Monday in the plant to determine the bargaining agency. The vote will be taken under the auspices of the Provincial Department of Labour.

I might say that what you are going to hear now happened prior to the time that we had conferences with the management in establishing an agreement with them for collective bargaining purposes until this vote is taken on Monday to determine the bargaining agency. The company have been very co-operative in helping all parties concerned to arrive at the wishes of the employees in regard to the bargaining agency.

---Witness stood aside.

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CARL V. COULSON, Sworn.

WITNESS: Mr. Chairman and members of the committee, the evidence I wish to submit on company unions is this: When I first started in De Haviland, in the employment office they handed me a little sheet of paper which stated:





"Relations Committee" which was supposed to be formed for recreational purposes such as hockey games, ball games, etc. It cost twenty-five cents a month to belong to it and support it. When I got in the plant I found out it was a set-up similar to a company union. They had a committee elected by secret ballot in departments, and the foremen went around more or less soliciting for the members that were running, and particularly in my department the foreman went around and stood right at the ballot box!

THE CHAIRMAN: Q. And watched them mark the ballots?

A. Yes, and, more or less patting the boys on the back, said: "Do not forget" - a certain member that was running, and as a result he got elected.

Q. Why would he get elected if it was a secret ballot and the employees did not want the fellow recommended by the foreman? A. It was not as secret as that!

Q. It was quasi-secret? A. Yes, the ballot was more or less laid right on the table and the fellow marking could see how it was filled out.

In the constitution of the company union there was a clause stating: "If you are a member of an outside organization you will be immediately put off the committee," meaning that if you ran on the committee and it was found out that you belonged, for instance, to the carpenters' union, of which we have plenty outside of those who belong to the C.I.O., you would be put off the committee. You were not allowed to have any outside affiliations. In a case where three of our men ran and got elected, immediately it was found out that they were members of the C.I.O.



they were kicked off the committee.

Q. Who kicked them off? A. The chairman. They took a two-thirds vote.

Q. And "Out of the window!"? A. Yes. Immediately after we came into De Haviland aircraft there was a quick meeting called in the cafeteria at which the company allowed this association - it was the employees' association - to turn on quite a bit of heat towards the U.A.W., and from that date they formed a company association, instead of the recreational club, in which the dues were to be fifty cents a year. When the company union cards were printed the foremen along with the charge hands went around with the cards and practically intimidated the men into signing the cards. I think the mere matter of a foreman taking a card around to a man is intimidation, because any man who says: "No; I would not join it," is liable to be told by the foreman the next day: "Your work is not so good," and you are out the door.

In one case specifically a man was told by a charge hand that he was sorry he might not be seeing him around there any more, and he kept that up two or three times until the man finally signed the card.

Then the company union went on strike against the Regional War Labour Board because they were taking too long to give them their wage rates; I think it took them a couple of months before they got their wage rates <sup>back</sup> approved by the Regional War Labour Board. We were opposed to that. The company is turning out one of the most vital aircraft in existence, one of the fastest bombers, and we opposed that action on the part of the company union and put out notices



asking the workers to stay on their jobs. Then the company police were ordered to tear our signs down, and they left the strike notices up that were put out by the company union about going on strike at ten o'clock; they left those notices on the board and took down our notices requesting the workers to stay on the job. All the way through that the company union were definitely being helped by the company to fight the U.A.W. coming into the plant.

THE CHAIRMAN: That is very fair.

---Witness withdrew.

---Whereupon the Committee adjourned at 12.50 o'clock p.m.  
until 2.00 o'clock p.m.

(Page 1145 follows)





AFTERNOON SESSION,  
TUESDAY MARCH 16th, 1943.

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--- On resuming at 2.00 o'clock p.m.

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THE CHAIRMAN: All right, ladies and gentlemen,  
you will please come to order.

MR. FURLONG: Mr. Burt?

Mr. Burt, will you proceed with your brief, please?

MR. BURT: Yes, I will.

Mr. Chairman and members of the committee, I will  
continue now from where I left off.

" Another form of company union is known as the  
employee representation plan. These provide that  
so many representatives shall be appointed by the  
management and an equal number elected by workers.  
In this manner the employer sits on both sides  
of the table and his tremendous economic power is  
not balanced by an equal collective strength on  
the workers' side. The final decision in many  
cases is made by the employer because of his dominant  
economic position, therefore any pretense of  
genuine collective bargaining disappears."

I am going to call on Mr. Gerald Alleyn from Brantford  
to further elaborate in respect of what we mean, Mr.  
Chairman.

THE CHAIRMAN: Very well.

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GERALD ALLEYN, sworn:

To get back to the question of company unions and the way they are formed, first of all they will ask you to nominate from your department certain members. They do not ask you whether you want to; they just tell you you must nominate them. Whether there are four hundred members and out of that four hundred members ten vote on it, they are your representation. You have no choice in the matter.

To get away from that part of it, they recently drew up an agreement in the plant at which I work.

MR. FURLONG: Q. What plant? A. The Cockshutt plant in Brantford. It was signed by the representatives of the employees, the so-called representatives of the employees.

THE CHAIRMAN: Q. The ones nominated? A. Yes. Of course this committee still sits which was there before we organized in the Cockshutt Plant.

They drew up a schedule of wages, or existing wages, as they were, and the industrial council, as we call them, signed it. To show you how this actually worked, the employees of that plant did not hear about it for two months after. If that is representative of representation of employees I cannot see it, nor do I think anybody else could.

Then, to illustrate some little points which have come up, last year we asked for proper facilities for washing.



THE CHAIRMAN: Q. Who is "we"? A. The different departments asked their council representatives to bring this before the management and representation of employees. We never heard anything more about it. We asked for smoking privileges, and we were told that the insurance underwriters would not grant them. We asked for proper eating facilities, and we were told it would cost too much money. So, the union started to organize. Three weeks after they started putting sinks in with which to wash. They notified us that the insurance underwriters had granted us the right to smoke. They gave us a seven thousand dollar dining room. Those are things they would not grant before the union started to organize.

To get back to the work section of it, there was a contract in the plant on which a one hundred per cent. union department was working. This department was suddenly notified that this contract had been cancelled by the Department of Munitions and Supply. It was taken up with the union office. After a lot of correspondence we received an answer back that it had been cancelled through the company not meeting the commitments it had made. Those commitments were that they were to deliver so many pieces per week and they did not do it. They could have done it, as was proved, but they would not move those things off the floor when the time came for it, so the men were hanging around doing nothing. That alone shows that if we had had proper co-operation between management and the members of that department, engineering would have taken care of that and removed





them. We know for a fact from the Department of Munitions and Supply that contract has been broken up into pieces to go to shops which are not capable of producing them in the way we are. They had to break them up and increase the cost of producing them.

Coming back to the question of subtle means of intimidating workers, I think it was last Tuesday morning our union paper came out. Am I not right, Mr. Stacey?

MR. STACEY: That is right.

THE WITNESS: Actually, up to that names were probably known to the company. In some instances, they gave us warning that they had been; not directly, but indirectly. My name, and actually I am speaking in respect of my own case, had been in that paper. Right away, our general superintendent, Lansdowne, took action. Last yesterday afternoon at three o'clock, the president of the industrial council, who had been given a full time job of walking around and watching things - they tell you it is maintenance work, but he just walks from department to department following around representatives of the union - he came around the shop. He knows me personally, but he had me pointed out to him. When I go back there I will be followed around again. They make excuses for firing men very easily. Lay-offs have been constant, yet men who are not union members can take days and half days and even three days to go to the City of Toronto to see the Icecapades and hockey games and not a word is said to them. If we do not need something to counteract that---



THE CHAIRMAN: Q. Does it take three days to see a hockey game? You can take a hockey game and the Icecapades in at the same time. A. It is the social activities before the hockey game which have to be taken into consideration too.

I think that just about covers what I have to explain.

MR. HAGEY: Q. What do you call the council?

A. The company council. Q. How long has it been in existence? A. I cannot tell you that. I have been with them for sixteen months. Q. It was in existence? A. Yes.

MR. BURK: Twenty-three years, I understand.

THE WITNESS: By the way, while I am thinking of it, the contract I was talking about signed between industrial the/council and the company has an awful lot of clauses in it, but there is only one clause which means anything because it states that unless the company gives the bill approval all other contracts are null and void.

THE CHAIRMAN: That almost makes it unanimous.

MR. BURT: We are pretty well covering the Province of Ontario. We started off down east and here we are now up as far as Brantford.

MR. HAGEY: The best place in the province, including even Windsor.

MR. BURT: I agree with you provided they have a bill of collective bargaining.

I would like also to call on another citizen from Brantford, Miss Joan Dowden of the Massey-Harris Plant. A similar condition exists in that plant and I think she has also something to say about company unions.



JOAN DOWDEN, Sworn:

Mr. Chairman, and the members of the committee, I would just like to acquaint you with the facts of our industrial council, but, after Mr. Alleyn's speech, I would like to say they are very much the same, almost identical. About a month and a half ago we received word they were going to have elections for industrial council. We were not asked if we wanted them; they just told us.

THE CHAIRMAN: Q. You mean the foremen? A. There was notice posted on the board and they told us there would be nominations of different people in the different departments. There were. I happened to be elected to <sup>also</sup> the council. I was/elected secretary of the council on behalf of the employees, not for the management, and at our first meeting we were given a little booklet with "Industrial Council" written on the front telling us about all the different rules and also saying that when it came to a final decision it rested with the president of the company.

MR. HAGEY: Q. Were they not wasting a lot of paper? A. Yes. They also presented us with an agreement which had been signed with the members of the industrial council. None of the employees had been taken into consideration or asked about it at all. It had been signed. It was written in that agreement that no other bargaining agency would be allowed to act as a go-between between the employees and the employers. When we voted for the industrial council we were told that only men could vote for men and only women could vote for women. This is the first year a woman





has been elected. Another thing is that if you should be elected to the council and they did not exactly like you - the management - all they had to do was to transfer you to another department and the runner-up, who was nine times out of ten a stooge for the company, took your place on the council.

MR. NEWLANDS: Q. Where is that plant? A. Market Street, Brantford. The employees down there do not have much of an opinion of it. All they do is laugh at it and call it a stooge union.

I think I have just about covered everything.

MR. HAGEY: Q. How long has that so-called organization been in existence? A. Twenty-four years.

MR. NEWLANDS: Q. You have stood for it for twenty-four years? A. I have not, no, and I am surprised that the men have all this time.

In my case they could not very well get rid of me because I happen to be the women's representative for the whole factory. I still have control over those girls even if they shift me to another department.

I believe we have had three meetings since the new council came in and almost everything we have asked for they have told us they thought it would be possible. On two or three occasions we pointed out it was possible in other factories so why could not it be done there. They promised and when the minutes of the meetings came out they again had "it will be done if possible".

I think that is just about everything I have to say. I think I have covered just about everything.



MR. HAGEY: Q. You have no agreement at all with the management there? A. Not this council, but last year's council signed a written agreement. It was posted on our board and each member of the council was given a copy. The employees never even saw it. Q. No chance to approve of it? A. No. And the new council did not see it at all. It was just handed to them when they first came into office.

MR. HAGEY: Mr. Chairman, we may have many bad employers in the City of Brantford, but you must admit we have good lady employees.

THE CHAIRMAN: Right.

THE WITNESS: I think I had better sit down.

MR. BURT: We are trying to impress the committee respecting the election of committees by departments. It gives people only committees. On numerous occasions we have been confronted with this, that people who are members of the union do not know whether to vote themselves in on the council or whether to refuse to vote, or whether to just mark "U. A. W." on the ballot. They have come to me on numerous occasions wanting to know what they will do, because they know in spite of what they do they will still get a company union.

THE CHAIRMAN: Does that not bring up quite an important point? If an election were to be held under the auspices of the Department of Labour the question of the form of ballot would be quite important.

MR. BURT: Yes, the form of ballot would be important. However, choice is important. "Do you want to bargain



collectively through a union, the U.A.W., or do you want a company association?" Of course, if a company association is financed and dominated by a company, it is our opinion it has no place on the ballot, nor has management any right at all to have scrutineers, as they have now.

I will go on with the presentation of my brief:

"When the pressure for a genuine union increases in some plants, the employers or his agents usually foster an organization which more closely resembles trade unions in that they may collect dues, and elect officers. This streamlined form of company union whose membership is deprived of skilled negotiators with a background of knowledge and experience in union-management relations as well as facts and research material does not function as a democratic organization. It does not appear regularly before membership and take direction from them and opinions usually expressed before management are not the result of membership consultation. Even though certain dues may be collected periodically, they are insufficient to provide competent legal or outside assistance even if it were possible for such committees to take advantage of them.

Almost invariably these various forms of company unions are assisted financially and otherwise by the companies. Among the means to establish such organizations and frustrate the workers' desire for a genuine organization is to take what is called a





secret ballot, then to proceed with the signing of an agreement without consulting the employees in whose name and by nefarious means the contract is concluded. We do not agree with the suggestion before this committee that election of such committees by itself constitutes collective bargaining."

Gentlemen, I am still dealing with Brantford, and I will call on a representative from Brantford, Mr. Seath, of the Brantford Coach and Body Company. We have a nest of company unions up there in Brantford.

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SAMUEL K. SEATH, Sworn

Mr. Chairman, with your permission, I would like to go back in our brief for a few paragraphs. There are one or two points with which, while I am on my feet, I would like to deal and get off my chest.

In the second paragraph of page four we refer to the incalculable reservoir of worker morale and goodwill. In the Brantford Coach and Body Company there are two plants. They are what is known as the Pearl Street plant and the Mohawk Street plant.

In the year 1941 we were able without the company finding out to organize a U.A.W.-C.I.O. in the Pearl Street plant. They found out just a little bit too late. After several months of bargaining we finally got an agreement with them which does not give us complete recognition but it does recognize our union committee and only union people are on that committee.



Conditions have gradually improved in that plant. I mean relations with the management have gradually improved. We have a lot of stubborn opposition to wear down but, over a period of almost two years now, we have been successful in finally getting the company around to a place at which they are willing to co-operate with us. In fact, they are so willing to co-operate with us today that they are going to burden us with all the blame for lack of production from now on, because they are so co-operative. However, things have improved considerably in that plant. About two weeks or ten days ago I was called from my work to go up to the office to meet a man who had been sent in by the president of the company, who comes from Smiths Falls. It was his mission to our plant to find out what the reason was for the good relations which existed between the company and, as he put it, the employees in our plant, and for the tumultuous relations which existed in the Mohawk Street plant. It was my duty to point out to this special investigator that the company had been fair enough to recognize us to a point in the Pearl Street plant, whereas they fought continuously against recognizing the same organization in the Mohawk Street plant. They take the stand that the board of conciliation, which took five months, I believe it was, to render its decision last year, did not recommend that we be recognized until the expiry of the industrial council in that plant. So, today there is considerable resentment against the company's attitude which they put down, definitely, to company policy. It





is just not policy to deal with the union down there because they have this stooge committee. I want to point out that the personnel manager takes on all the responsibility in the Mohawk Street plant for seeing to it that the functions of the industrial council are carried out. And, if I am not betraying any of his secrets, he is getting fed up with it. He says he likes the situation we have in the Pearl Street plant, because we mind our own business and we do our own business but in the Mohawk Street plant the industrial council is incompetent to even fill a vacancy of their own council. They have to run to the personnel manager to get him to fill it.

Speaking about the paragraph further down in respect of the so-called representatives do not represent all of the employees in the department, evidence was submitted by the board of conciliation which sat to deal with the dispute to the effect that we represented in the neighborhood 290 out of the 360 employees in the plant. Evidence was produced by the company to prove that there was in existence a company union or industrial council. The council was very hurriedly re-elected last June when it became evident that the employees were seeking membership in the U.A.W.-C.I.O. The elections went through in a terrific hurry. Out of some 360 employees, eligible to vote 124 cast ballots. There were five of the largest departments in which acclamations were awarded in some cases to sub-foremen for the industrial council and in the other departments 129 people voted, and 90 of them voted





for the industrial council and 34 of them spoiled their ballots by marking "U.A.W.-C.I.O." on them.

Consequently they have an industrial council in there, which represents in effect some 95 people, five acclamations and the ninety other votes received. There was a total personnel at that time, I believe of 362.

It is very evident that the council cannot represent the employees in that plant. They had a little disturbance in the plant recently and the company contended that the only condition on which they would deal with the employees was that they would return to their work and take the matter up with this industrial council, which they were not prepared to do.

My remarks are sort of in reverse, because coming down to this last paragraph, which paragraph I have been called to speak in respect of, when pressure for a genuine union increases the employer sets up its stooge councils. In 1941 we organized the Pearl Street plant. We organized it very quickly because we had an independent union in the plant which, out of 180 employees, represented 13, but still they were genuinely interested and it was not a company union, I will guarantee you. It was not a company union. We paid twenty-five cents a month for two euchre games. That was about the extent of the business which was done in the union, but, just the same, it was entirely free from any domination of the employer. We had a bargaining committee of one. I do not know how much the employer got over him, but, outside of that,



it was an independent union.

However, this independent union felt they were not getting anywhere with the employer and that they could not unless they had a better majority of the workers in the plant, so they called a plant meeting.

THE CHAIRMAN: Q. How many had the independent union? A. Thirteen at that time.

At the first meeting we decided we would invite various speakers from trade unions to come and address us so we could make up our minds as to what type of organization we wanted. The result was that after hearing stories from two different organizations we hooked up with the U.A.W.-C.I.O. The organization of the plant was completed within a very few days. About three weeks after the president, who I believe had never made an appearance before the employees before, came down and called all of us together and said, "Now, look fellows, I hear there are union cards being circulated around this plant. We did not know you wanted a union. Why did you not tell us you wanted a union? We did not know that. If you want a union, we will give you a union. You will not have to pay your money out to any outside organization; just you come to us and we will see that you get a union set up."

Q. Did not he know anything about the famous thirteen independent company unions? A. No, apparently he did not. He had been too busy toasting his toes in Smiths Falls and never got up that far. He said "Tomorrow morning we are going to take a vote in the plant."



They did this in both plants. . The ballot in our plant said "Do you want a union in this shop?" In the other plant, it was "Do you want to be represented by an industrial council or an outside union?" I do not remember the exact wording, but it was something to that effect. His offer was like the old familiar story of too little and too late. In our plant we voted definitely that we did not want a union in the plant on the plan he was proposing. Consequently notice was posted that we would not have any more interference from the company on that score. In the other plant they voted for an industrial council. The pressure was put on not after a genuine union was started in the plant, but before. They were a little bit shrewd there. This stooge council which was set up is the recognized bargaining agency, recognized by the company and by a majority report of a board of conciliation. How anybody in God's creation could ever arrive at such a decision is more than I can understand, because at the time of the sittings of the board we, sirs, represented around 290 of the 360 employees in the plant. Yet, the board refused to grant recognition until the time of the industrial council's term of office expired.

I do not think there is anything more I wish to say, Mr. Chairman.

THE CHAIRMAN: Thank you.

MR. BURT: To continue, Mr. Chairman, with the presentation of my brief.





"And such fake agreements arrived at for the specific purpose of defeating the workers' efforts to obtain a genuine contract should be declared null and void.

In a number of instances where company unions have been formed after the workers indicated a desire to form a real union, genuine agreements have subsequently been signed after a prolonged struggle. But since harmonious relations now prevail we do not think anything can be gained by taking up the time of this committee to buttress the documented exposure of such activities by many other organizations. Should the committee desire it, however, we shall be glad to co-operate in submitting such additional documentation. But the point which we wish to stress is that friction in the past might have been avoided had it not been for the attempt to foist such one-sided agreements on workers.

The memories of anti-unionism and the friction engendered as a result cannot be erased overnight and when other employers continue this policy it serves to agitate those workers who only recently won their right to a genuine union after protracted delays.

#### EMPLOYEES TO CHOOSE UNIONS WITHOUT INTERFERENCE.

We submit also that this committee should reject the suggestion advanced by industry representatives that the employers should not be prevented from indicating to workers what they choose to describe as the benefits of "employees committees".

Permitting managements to engage in such unfair



practices, gives approval to methods which substantially lend themselves to the initiation and encouragement of company-dominated unions.

Such misuse of the sacred right of free speech gives supervisory officials an opportunity to threaten workers with discharge or loss of bonuses, other benefits and their right to promotion if they show signs of favoring a genuine union.

Approval of such antidemocratic pressure is advanced in the name of freedom of speech and we suggest that it is absurd to invoke such an age-old right to subvert true democratic procedure. Such<sup>a</sup> procedure is in the same class with the "freedom of the press" cry once advanced by a certain section of the publishing industry when it was forced to comply with fire restrictions governing their buildings.

#### VOTES TO DETERMINE BARGAINING AGENCY

During the past year collective bargaining elections in which the United Automobile Workers of America was involved were held in more than 15 plants. Our union won practically all of these elections and contracts were subsequently signed. There was no machinery under the Industrial Disputes Investigation Act to hold these elections. These elections were determined as a means to solve industrial disputes and evolved from the experience of the Hon. Peter Heenan and his conciliation officers in dealing with these matters.



We will furnish you with copies of announcements to two elections, both in almost the same words. But one is in the U.S. under the Wagner Act and is law; the other is in Ontario and is not law, but has been adopted from necessity."

I would like to show the committee exactly what we have here, if I can find it. I would like the committee to take a look at this document which reads "Department of Labour, Ontario, Notice of Election". This is in respect of an election held between the Long Manufacturing Company and re U.A.W.-C.I.O. A copy of the ballot is attached to the notice. This notice is placed in the plant. This is not according to the law, but, because of the experience of the conciliation officers of the Department of Labour, they found it necessary to find some kind of system for conducting elections.

----- EXHIBIT NO. 152: "Notice of Election", Department of Labour, Ontario, in respect of the Long Manufacturing Company and the U.A.W.-C.I.O., Local 195, Dated Tuesday, March Ninth, 1943.

Gentlemen, I now exhibit to you a notice under the Wagner Act entitled "Notice of Election". You will notice that the wording of the two copies is practically identical. It is in fact my belief that a copy of the American notice of election was supplied to the Department of Labour and the Department of Labour copied some of the paragraphs from it.





---EXHIBIT NO. 153: United States of America National Relations Board, Notice of Election, dated March 4th, 1943.

I hear some opposition, but I compliment the Department of Labour and its officers in taking the stand they did in working out the problem. It was the only means of working out the problem of the elections.

THE HON. PETER HEENAN: That is all right.

MR. BURT: I continue with my brief.

"The plain fact must not be overlooked that these elections for a free choice by the workers were never granted unless both parties agreed.

Where management refused to permit the holding of such free elections and the accompanying recognition of the agency chosen, the responsibility for the resultant friction lay squarely on the management.

Months elapsed in some cases before the workers had an opportunity to express their choice under impartial auspices and the ensuing delay was used either to initiate and encourage the establishment of company unions or discourage membership in a genuine organization by intimidation or otherwise. Because of the acts of employers in some of these cases we were forced to take action under Order-in-Council 4020 and obtain the reinstatement of workers with back pay for the period in which they were unlawfully discharged. We submit that any mode of election procedure under such a bill should make provision for the determination of the collective bargaining



agency within a reasonable period of say 15 days after application has been made."

In connection with the question of elections, I am going to call on a Toronto representative of ours who has had a recent experience in a Toronto plant. With the permission of the committee, I will now call Mr. Jack Christie.

MR. HAGEY: You say, and I agree with you, that within a reasonable period of fifteen days. What is your suggestion, after that bargaining agency is determined what provision should there be for any resulting change in bargaining agency? How should that be determined?

MR. BURT: I just do not follow you. What we mean here is that we petition the government for an election and we show the government that we have a substantial number of employees in the union. Under the Wagner Act I believe it is 20%. You have to certify that you have 20% of the members of the organization before you can petition for election. There must be fifteen days elapse before the election takes place.

MR. HAGEY: Suppose in a year or two there should be a rival organization in the plant? How do you wish to determine when a further election should be held in order to determine the bargaining agency?

MR. BURT: I would suggest a year. Usually after an election a contract was signed which usually ran to the end of the year, or for a year. That is the way it worked in the United States. Workers may not like



the election. They may want to throw it out before the end of a year. They can certify to the government that they have the required number under such an Act.

With the permission of the committee I am now calling on Mr. Jack Christie of Local 252, Wilson Motor Body.

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JACK CHRISTIE, (sworn).

THE WITNESS: I would like to tell the committee of the Wilson Motor Body.

THE CHAIRMAN: Located where?

A. On Lakeshore road right now. They used to be at 1113 Queen street. We had considerable trouble in the shops and the men were very dissatisfied. I might say in our shop, the U.A.W., nor any other organization of any description came to that shop to try to organize it in any way, shape or form. The men were so darned disgusted with it that they went to the U.A.W. in order to get a union in there. It first started a year ago. After that there were two men laid off incidentally.

We finally got hold of Mr. Paul Siren, an international representative now in the armed services. We got hold of him in some way or other. I do not know, myself, just how it worked out. We asked if the U.A.W. could be introduced into the shop, and the answer promptly was "No, we do not want any unions at all." This was three or four months ago. The shop finally worked up until there were approximately seventy-five or eighty per cent. in the union. We tried to get a vote with the shop and we could not. Mr. Paul Siren got in





touch with the Hon. Mr. Heenan and with the Department of Labour in order to try and arrive at an agreement that a vote be taken with an outside member or somebody who did not have anything to do with it to go in and sit down on the vote.

Right after that, when they found out the vote was going to be taken, two days before the date of the vote there was a nickel raise went around to the entire shop. Myself being chairman, and two or three other members, being the financial secretary, and one thing and another, got a little higher than that. The day of the vote there was a vote slip put up on the Board as to who we should vote for. The ballots were marked "U.A.W. vs. Shop Committee." That shop committee was non-existent. There was no such darned thing as a shop committee, except the manager himself, a single person. He was willing to set up a shop committee, not the men. The men of the shop were being constantly intimidated before and after the vote. I might say the intimidation got extremely bad, and it reached such a stage that there was one man there who was the financial secretary of our local, in fact, and who had three fingers off one hand and two fingers off the other, which happened, I presume, through his working operations in the same shop. The superintendent came around to that man with a list saying that he did not want the U.A.W. there. This man weighed the two sides of the story. If he did not put his name down there, how could he get another job? The job he was doing was all right.



He was in the blacksmithing trade and the job was quite capable of being done by him even without the fingers he had lost. He thought again "If I do not sign it I am going to be out." Therefore, he broke down and he signed that slip. That was left in the office, I think, for approximately two or three days until after the vote. The vote was taken and we got the majority for the U.A.W. I might say around three-quarters or seventy-five per cent. The vote went all right in the first place, and then he did not want anything to do with us. We had trouble again and the production of the factory was going down considerably because the men were getting so darned fed up. I do not think they wanted to work at all. In fact, they did not work for that matter as they were getting so disgusted. I had all I could do to chase around there and keep them going with promises that something would be done as it was in the hands of the Department of Labour. I think it was the Hon. Mr. Heenan, or his secretary, who sat down at this discussion of the agreement. It was said at the first agreement to be effective. The signature was not put on for two weeks after. In the meantime this slip had been going all around the shop with this first man's name on it, who was a prominent man of the U.A.W. It was said "Look at this fellow here. He has even put his name on it. You know what is going to happen if you do not put yours on." There were men of the company who could not speak English, who were told to sign this paper and in their various ways they tried to explain they did not know what it was for. It was said, "Oh,





it will not hurt you in any way, shape or form; just sign it; it is all right." They saw this man's name at the top of the list, and they signed theirs. This list got 90% approximately after the vote against the U.A.W. by their taking each man separately away from his Department or backing him up against the wall where he could not talk to anybody at all. I have facts to prove that, and can prove it. That was while we were at the first meeting with the bargaining committee on this agreement. That was at the time he was talking about this agreement. He was very satisfied with quite a few things, running down the list, and he said, "Well, boys, I think we had better stop for the day and finish it up a week from now." He got hold of somebody and stated, "I do not wish to have anything to do with you or your union, or anybody else." In saying that he flouted the government, itself, as well as the union, as that vote was determined by the government. Owing to the number of men who signed the paper in this manner they broke off negotiations. When the word got out that he did not want anything to do with us there were quite a few members who suggested they go on strike. At the time of that happening I was in bed. I had pneumonia. I got up on Monday morning to go down to see how things could be straightened out. There was nothing that could be done. The members sat down and said they wanted that agreement through. That was all there was to it. We were promptly helped out by the police. Having had pneumonia and some pretty hefty fellows on each side of me, I did not feel too happy. That





business at the Wilson Motor Body was called a strike. We were forced out of the building over something we had already won. We had won the vote and the management should have sat down with us and gone over this and tried to make things go as smoothly as possible. This went on for a week and after that week was up the rest of the boys who were in the company were still union members and the day before this they went around and distributed another nickel raise. The boys decided they were trying to buy them out in order that those men who were out would stay out.

That was on the Friday previous to the rest of the men going out. During the week-end they must have figured that it was just a case of being bought off. On the Monday morning we were confronted with a strike, the rest of the shop being completely out. I might say the rest went in but we had a heck of a time getting them back in because the manager of this company had given his word right on the platform in the shop that whoever won the vote he would stick by and see that everything went through all right. At a meeting we had on the Sunday night we tried to get the boys to come back to work -- or, rather, on Monday night of the strike -- but they would not go back to work for the simple reason that the management had absolutely let them down, flouted the government and us, and everyone else, and they did not give a damn what happened to us. They would not go on unless they had the i's and the t's dotted and crossed and all the lines ending with a period, and everything else,



Paul Siren, I believe, went around to the Department of Labour and got it fully cleaned up for us and consequently we finally got the men to understand that the government would see that it was signed and that there would be no more trouble.

Since the signing of it the company has been very, I would not say congenial about it, but has been very adverse to it. At any meeting we have had so far they have practically told us to go -- some place, you know. Relations are still strained due to attempts of the company to violate the contract which was signed, and which I would say was very fairly signed. I think Mr. Fine was there. Also, after that, he had to get his lawyer down to look it over, and everything else, before we could finally get it signed. There is still ill-feeling there.

The day the boys went back to work, when they were finally called back, or when we managed to get them to go back -- remember, it was a lot harder to get the rest of them to go back than it was to fetch them out, or, rather, they had to come out -- I may say that in three days we had fetched production up to normal. To date, we on the car door body line, on which line I work, and which line is a complete union line, we have progressed from thirteen to fourteen bodies up to twenty-three. I think in that case a bill of this kind would stop all this strike business, which is really the fault of management in saying that they will abide by it, when they turn around and say they will not.

Thank you.



MR. BURT: Gentlemen, if I may continue with my brief:

"Any bona fide labor organization prepared to establish that it has a substantial membership in a plant should be able to apply to the Dept. of Labor for a vote to be taken in that plant to determine the exclusive bargaining agency.

We urge that a union should be certified as the sole collective bargaining agency immediately it receives a majority of the votes cast. We have found in the past that because of the continuing fear by employees if they exercise their right to choose a genuine union, a number of employees wait until the union has been chosen before designating it as their bargaining agency. A residue of that fear, the result of many years without collective bargaining protection, may still remain for some time even after passage of the proposed bill. ;

We believe that the psychological, moral and economic benefits of a collective bargaining bill have been well expressed and outlined before this committee by many other unions representing hundreds of thousands of workers, including the Canadian Congress of Labor & the Trades & Labor Congress of Canada.

We believe that the framework of such a bill as outlined by them together with the suggestions advanced by the Hon. Peter Heenan, form a basis for the passage of legislation





which clearly guarantees the right of collective bargaining and union recognition and its effective enforcement.

Today Ontario has an opportunity to profit from the experience of other countries of the United Nations and enact a measure which will assist in introducing an era of harmonious management-labor relations to effectively serve in the critical years of both war and peace. We are hopeful that the committee will measure up to the responsibility and opportunity which rests with its members."

That concludes the brief, Mr. Chairman.

I might say we have a large number of petitions which have been signed by various employees. I have an envelope full here. I imagine you have some of them.

MR. FURLONG: We have quite a few of them.

--- EXHIBIT NO. 154: Petitions.

--- EXHIBIT NO..155: Petitions.

--- EXHIBIT NO. 156: Petitions.

MR. BURT: There are some further people here from Brantford.

Finally, I may say we endorse the thirteen points of the Hon. Peter Heenan, Minister of Labour, and feel he has had the experience in the field, along with his conciliation staff, necessary to know about this matter, and the points which he has outlined form a real basis for a collective bargaining bill. We are prepared to endorse the Hon. Peter Heenan's suggestions.



I have nothing further to say, unless there are some questions of the committee, or some questions someone else would like to ask of me.

THE CHAIRMAN: Have any of the members of the committee any questions of Mr. Burt?

Apparently they have not, Mr. Burt.

Thank you very much.

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MR.FURLONG: We are now ready to hear from the C.C.F. Trade Union Committee, represented by Mr. Dowling.

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C.C.F. TRADE UNION COMMITTEE.

F. W. DOWLING, (sworn):

MR. FURLONG: Q. Would you like to sit down in a chair?

This organization of yours is called The Co-Operative Commonwealth Federation Trade Union Committee?

A. That is right.

Q. Is that a union or a political party?

A. Well, it is a political party. It is the labour branch of a political party.

Q. How many unions have you affiliated now?

A. I believe there are nine local unions.

MR. MACKAY: Q. Affiliated with the C.C.F.?

A. Twenty-three, I am sorry.

Q. Affiliated with the C.C. F.? A. That is right.

THE CHAIRMAN: May I remind you, sir, you are under oath.



THE WITNESS: Can I call on other members of our committee who are more familiar with these figures?

THE CHAIRMAN: Certainly.

MR. FURLONG: Q. How many members are there in those locals? A. I would like to call on Bro. Furnerfull, who has been elected as spokesman before this committee. He can answer these questions. He has the figures.

MR. NEWLANDS: Give the committee the names of the unions which are affiliated with the C.C.F.

THE WITNESS: I will call on Bro. Furnerfull.

THE CHAIRMAN: Very well.

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WILLIAM FURNERFULL, (sworn).

THE CHAIRMAN: What is the C.C.L.

A. Canadian Congress of Labour. This committee is a group of unions from the C.C.L., that is, the Canadian Congress of Labour and the American Federation of Labour, and one Railroad Union which is an independent union.

Q. Which railway is that?

A. It is the Brotherhood of Railway Car Men.

MR. NEWLANDS: Q. What is that?

A. The Brotherhood of Railway Car Men. It is an A.F. of L. affiliate. There is another one.

Q. Read them. A. There is the National Union of Carpenters, which is C.C.L.; the next is the Capmakers of the Millinery Workers Union, which is an A.F. of L. affiliate; then there is the International Upholsterers, which is an A.F. of L. affiliate; the Amalgamated Lithographers of America, which is an A.F. of L. affiliate; Shoe and Leather Workers Organizing Committee, which is a Canadian Congress of





Labour affiliate; the International Ladies Garment Workers Union, and there are several locals comprising this International Ladies Garment Workers Union, four of them, and they are an A. F. of L. affiliate; the Handbag Workers, which is an A. F. of L. affiliate; the Canadian Brotherhood of Railway Employees, which is a Canadian Congress of Labour affiliate; the Brotherhood of Railway Car Men, which is an A.F. of L. affiliate. I made a mistake there. Then, the Hat Workers Union, and one of the locals is an A. F. of L. affiliate; the Typographical Union is also an A. F. of L. affiliate; the Amalgamated Clothing Workers Association, which is a Canadian Congress of Labour affiliate; Lever Bros. Packinghouse Workers Organization Committee, which is also a part of the Canadian Congress of Labour; the Canadian Electrical Trades Union, Branch 1, which is a Canadian Congress of Labour affiliate; the Toronto Printing Pressmen, American Federation of Labour; the C. B. R. E., also a Canadian Congress of Labour affiliate; the Textile Workers Organizing Committee, which is a Canadian Congress of Labour affiliate; the United Steel Workers of America, a C.I.O. affiliate, which I believe also is with the Canadian Congress of Labour; the Shoe and Leather Workers, which is a Canadian Congress of Labour affiliate. Those are the affiliated members of this committee. Then we have several other unions which endorse the policy of the Trades Union Committee of the C.C.F. I would like to point out this fact in connection with this Trade Union Committee. It is a committee



of these different unions affiliated with both Congresses with the C.C.F. to further the Trade Union policy.

MR. MACKAY: Q. How are they affiliated? Do they just support you? Is that what you mean? A. No. They have a regular affiliation fee, those who are affiliated.

THE CHAIRMAN: Q. You mean the affiliated pay the fee to the C.C.F.? A. Yes; that is, the Trade Union section.

Q. Do they take votes as to which political party they support? A. Yes. The majority committee vote the same as any other democratic workers.

Q. It is not 100% then? You might have 41% in favour of the Liberals and 49% in favour of the Progressive-Conservatives. Each union will take a vote and say "We support the C.C.F. or the Tories or the Liberals." A. Yes.

Q. Then, it is the majority which rules? A. Yes, it is the majority which rules.

Q. However, I do not know much about politics.

A. Then we have four other organizations which endorse the policy -- that is, the policy of the Trade Union Committee -- namely, the Pocketmakers Union, which is an A. F. of L. affiliate; the Toronto Street Railway, which is an A. F. of L. affiliate; the Millinery Workers, which is an A. F. of L. affiliate; and the A. C. W. A., which is a Canadian Congress of Labour affiliate.

MR. FURLONG: You have submitted an Act. You had better proceed.



THE WITNESS: Yes. That is the privilege which has been given to me.

Q. Then, will you proceed with your statement?

A. Yes. This Act has been drafted and I think according to the evidence questions submitted before this committee. This Act will put in concrete form the desires of most of organized labour in this province. The points which have been brought forward by the Minister of Labour are practically covered in this draft of an Act. It is only a draft for guidance. We have had a great deal of discussion on it and we do honestly believe that some such Act in some such form as this will meet with the approval of organized labour as a whole, and also unorganized labour, I believe, will agree to the provisions of this Act. This draft Act is called the "Ontario Labour Act".

MR. NEWLANDS: Q. You are a little late. We had one here yesterday. A. Well, we have to take our turn.

"WHEREAS the present struggle against world Fascism requires the utmost productive effort of industry in Ontario;

AND WHEREAS the well-being of the people of Ontario after the conclusion of the war also depends upon industrial democracy and the organization of workers into unions of their own choice;

AND WHEREAS there have been obstacles to such industrial democracy in Ontario, including the open and tacit refusal by certain employers to accept the procedure of genuine collective bargaining;

AND WHEREAS effective machinery to enable and enforce collective bargaining is essential to promote the utmost





productive effort and to remove causes of fear, insecurity and industrial strife in Ontario;

IT IS HEREBY DECLARED to be the policy of the Province of Ontario to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment, or other mutual aid or protection.

THEREFORE BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly as follows:-

1. This Act may be cited as The Ontario Labour Act.
2. Definition section. Define person, employer, employee. Employee to include any individual whose work has ceased as a consequence of or in connection with any current labour dispute or because of any unfair labour practice; also to include provincial and municipal government employees, employees of government boards, Crown companies and public commissions; teachers. Define unfair labour practice. Define trade union; labour organization; labour dispute. Define company union as follows:"

This particular point has been brought before you very forcibly by a great many organizations - in fact, I think by nearly all the organizations - which have appeared before you, and they have particularly made this point of a company union and what shall constitute a company union. We say this:



"A company union shall be any organization of employees over which an employer, or his agent, directly or indirectly exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support."

I think, gentlemen, that pretty well embraces the opinion of all the people who have appeared before you in respect of this particular subject.

THE CHAIRMAN: I do not agree with you.

MR. FURLONG: Q. What about if they give them a room in which to meet? Would that make them a company union?

A. Well, it does in a way, that it puts upon the employee, you might say, some sort of coercion.

Q. Suppose they ask for it? A. If the employee has asked, it is a different matter altogether because it is, after all, in accordance with the wishes of both parties and I assume it would be reasonable in that case.

Q. Then, you have asked that "except where done at the wishes of both parties". A. It could be, but, as this was discussed by us, this is the way it was given to me to put it in the Act.

THE CHAIRMAN: I am glad you did, because it just shows the difficulty we have. Mr. Hagey asked some representative here, I think it was Mr. Mosher, and Mr. Mosher said, I think, he would not consider that a company union. Mr. Hagey asked him if the company paid any of the regularly elected employee representatives their wages while they were engaged on the company business and I think Mr. Mosher agreed that was not supporting - - - A. That is quite so.



Q. I notice you have said, Mr. Furnerfull, "or any other support." I think you will agree with me that is pretty broad: "or any other support." That would be a fine thing for the lawyers. That would go all through the courts, I suppose.

THE WITNESS: Coercion could be coercion in various degrees. It could be so construed as intimidation at times. We endeavored to so word it that there would be no possible chance of coercion or intimidation. After all, you will excuse me but this is just merely a draft of what we wish or what we think crystalizes the opinion of labour, just as a matter of guidance. Q. Well, you see, here we had a man representing five thousand employees of the Bell Telephone Company of Canada and he told us that as a result of an agreement arrived at between the democratically and secretly elected representatives of their own union, that arrangements had been made and that the company did certain things. If that definition of a company union were allowed to stand it would rule those men out of a legal existence. They said that is the last thing they wanted, that they wanted to be left alone, that they have got along harmoniously for twenty-three years without any trouble at all. You would not want five thousand fellow workers kicked out? A. No. I think that would be hardly fair. We were trying to be very definite. That is the reason we have been so definite in this particular paragraph, because it is a very difficult thing at times to define what is coercion and what is intimidation.

May I go on with the next paragraph?

Go on.

A. Thank you.

"3. Constitution of Board. There shall be a board





known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor in Council. At least two of such members shall be persons in good standing in a union."

MR. DEACHMAN: May I ask a couple of questions?

Q. Why the appointment of three members, of which two shall be members of a trade union, giving to yourselves a special privilege in the control of the board. My second question is - - -

THE CHAIRMAN: Let the witness answer your first question.

THE WITNESS: We felt this way, that labour members are peculiarly adapted to understand labour conditions and labour issues, and another reason was that the Government in power, whoever decides upon this Bill, or makes this Bill an Act, would naturally enough put men of integrity in that position and men who would wish to be fair and reasonable. As we say, from our point of view, a labour man is the only man who could really appreciate the points of labour. That is what we believe, anyway. Q. On the same basis, an employer is the only one who can understand the conditions of the employer. He might demand two representatives because they would be able to deal more favourably with the employer. It seems to me that it is a case of, As the twig is bent, the trees incline, so you wish to secure members who shall be brought up in the traditions of the trade unions and therefore shall decide under the conditions of their preference. A. As far as the question of two members is concerned, as I said before, the Government



would naturally appoint men who are known to be of integrity on that particular point

MR. NEWLANDS: Q. Why do you say "two"? Why do you not say "three"? A. I do not think three are necessary any more than two.

Q. Two would dominate the board all the time. A. Why not have three?

THE CHAIRMAN: I think the witness is giving his evidence very fairly.

MR. FURLONG: I suggest that he be allowed to read through the whole paragraph before we ask him about it.

THE CHAIRMAN: Read the whole thing and then we will cross-examine you.

MR. DELACHMAN: After all, when there is any question which involves an increase of cost or an increase of wages the consumer is the ultimate one who pays for the increase and I suggest it might improve this Act if in some way provision could be made for a representative of the consumer in an agreement of this kind to represent the poor fellow at the end of the line who foots the bill.

THE WITNESS: This is merely an Act for the setting up of collective bargaining. It has nothing to do with industrial disputes; it is just merely an Act to give organized labour a chance to organize free from coercion.

Q. It increases your bargaining capacity or you would not ask for it. A. I hardly think so under the terms of the Act, itself. Collective bargaining does not do that; it merely legalizes collective bargaining for the employees.

MR. MACKAY: Q. Was the Trades and Labour Council or the Canadian Conference of Labour consulted when you drew up this Bill? A. No, but we affiliates drew this





up and this was submitted to the different members although as I say, it was just the members of this section who drew up the Bill.

MR. FURLONG: Q. The Trades and Labour Council and the Congress of Labour have made representations here through their parent bodies and they were different from this. I hope the affiliates know what they have done.

A. I continue to read from the Bill:

"The members shall be appointed for a term of three years and shall not be removable except for neglect of duty or malfeasance in office. The salary of the members of the Board shall be \$ and the members of the Board shall be eligible for re-appointment."

MR. MACKAY: Q. What would be the position if those two members were not in good standing in their union? What would happen then? A. If you follow it through, the whole part of it, you will see.

THE CHAIRMAN: Gentlemen, we have received word that there is a division in the House. I am afraid we will have to declare a recess here for ten or fifteen minutes.

--- Whereupon, on the direction of the Chairman, the committee recessed, from 3.25 p.m. until 3.40 p.m.

---. On resuming:

THE WITNESS: I will proceed, again, with the Bill:

"The Board may appoint an Executive Secretary and such attorneys, examiners, regional directors and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish and use regional, local or





other agencies and utilize voluntary and uncompensated service as may from time to time be needed. The principal office of the Board shall be in the City of Toronto, but it may meet and exercise any or all of its powers in any other place in Ontario. The Board may by one or more of its members, or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of Ontario, and such member or members or appointees of the Board shall, when prosecuting such an inquiry, have the powers of and be subject to the duties of a person appointed to make an inquiry under The Public Inquiries Act.

4. The Board shall have power to make rules and regulations to carry out the provisions of this Act.

5. Rights of Employees. Employees shall have the right to organize in and to form, join or assist labour organizations and to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

6. It shall be an unfair labour practice for an employer

(a) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 5;

(b) to promote, assist in the promotion of, recognize or in any way deal with a company union;

(c) to dominate or interfere with the formation or administration of any labour organization;



(d) by discrimination in regard to hire or tenure of employment or any term of condition of employment, to encourage or discourage membership in any labour organization, subject however to the right of an employer to enter into an agreement with a labour organization not being a company union and to require as a condition of employment membership therein, if such labour organization is representative of the employees as provided herein;

(e) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(f) to refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not such representatives are in his employ;

(g) to maintain a system of industrial espionage, or employ or direct any person to spy upon or report the proceedings of a labour organization or the officers thereof, or the exercise by employees of the rights provided by Section 5 hereof.

(h) to threaten to, or to discharge, denote, transfer, blacklist or impair seniority rights of any employee in connection with the exercise by such employee of the rights conferred by this Act;

(i) to threaten to shut down or move a plant in the course of a labour dispute;

(j) to interfere in any manner with the conduct of an election of an officer or officers of a labour



organization or union or of the representatives of employees;

(k) to offer or to give bribes or gratuities, or otherwise engage in acts of favouritism, in return for cessation of union activities or the commencing of anti-union activities;

(l) to enter into negotiations with or to solicit individual employees to cease union activities, or to resign from the union, or to refrain from striking, or to join a company union."

I think that speaks for itself.

MR. FURLONG: Yes, I think so.

THE WITNESS: continuing:

"7.(a) The representatives designated or selected for the purposes of collective bargaining by the majority of the employees in the unit appropriate for such purpose shall be the exclusive representatives of all employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

(b) The Board shall decide whether the unit appropriate to effectuate the policies of this Act and for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or sub-division thereof.

8. Complaints from any labour organization or employer shall be submitted in writing and sent by registered mail to the Board."





THE CHAIRMAN: Paragraph (7)(b) is very interesting. You recognize the segments of a big organization.

THE WITNESS: Yes, that is recognized there. As a matter of fact, this draft Act here would give the right to any bona fide organization irrespective of whether it is an independent union, providing it is a bona fide union or whether it is an A.F. of L. or C.I.O. It does cater to all branches of labour in a bona fide way. The only thing we object to in it is a company controlled union.

"9. The Board shall determine, after notice by registered mail to an employer and to any labour organization affected, the facts in regard to any complaint made to it that an employer or employers have been guilty of unfair labour practices and may make orders either dismissing such complaint or requiring the employer or employers to refrain from such unfair labour practices where such practices have been, or are, in the opinion of the Board, likely to be committed. The Board shall also be empowered to make affirmative orders, including orders to treat as void any agreement with a company union, to disestablish any company union, to enter into negotiations with and sign a written agreement embodying terms of agreement with the representatives designated by the majority of employees for a unit, as set out in paragraph 7 hereof."

MR. FURLONG: Q. That is a compulsory agreement.

A. In addition to that, as a part of paragraph 9 we also have this included:

"and power to order reinstatement with pay for all



employees discharged as a result of unfair labour practice."

That is, in addition to paragraph 9. Then, continuing:

"10. Should the labour organization or the employer desire to submit evidence in connection with any complaint made to the Board, such evidence shall be in writing and in possession of the Board within fifteen days after notice of complaint has been received. The Board shall render a decision against the person or organization failing to comply with this requirement. The Board shall render its decision within thirty days after complaint is made to it.

11. The order of the Board shall be sent by registered mail to the parties concerned forthwith after the making thereof and shall be filed in the Registrar's Office of the Supreme Court of Ontario in the county in which the unfair labour practice took place, or is alleged to have taken place, or at the Central Office in Osgoode Hall in Toronto. Such order shall, after the expiration of ten days from the date of filing, be deemed to be confirmed and binding unless an appeal has been taken therefrom in accordance with the provisions of this Act."

Now, we go on to the appeal, in paragraph 12:

"APPEAL

12. Any employer, employee or labour organization affected by an order of the Board may, within ten days from the date of filing of such order, appeal by notice in writing, setting out the grounds of such appeal, to



the Court of Appeal of Ontario. The appeal shall be heard, if possible, in the month filed, but, if not, in the following month by a single Judge of the Court of Appeal of Ontario designated for the purpose by the Chief Justice of Ontario. Such appeal shall not be on the facts or on the merits and the appeal shall be dismissed unless the Judge finds:-

(1) The Board has acted outside the statutory jurisdiction conferred on it;

or

(2) The Board failed to give the employer or labour organization affected a fair and reasonable opportunity to present a case to the Board;"

You will notice there we are trying to be fair with it. It gives both the employer and the employe a chance.

"(3) The Board acted from bias or other improper motives."

MR. DEACHMAN: The onus of the proof would be on the appellant in each case and it would be an extremely difficult matter to say the Board had acted outside its jurisdiction in a matter of that kind. It would be still worse to say that the Board had failed to give an employer or a labour organization a fair opportunity to present the case to the Board. Even the most prejudiced Board would make that absolutely useless, and it would be also impossible to prove that the Board had acted from bias or other improper motives. At the same time, there is no appeal on the merits of the case.

MR. FURLONG: That is something for the committee to determine.





MR. DEACHMAN: I think it goes further than that.

MR. FURLONG: This committee will take into consideration the terms of this Bill.

MR. DEACHMAN: It would be up to the men who approve it not to show bias themselves in writing the Act.

MR. FURLONG: You are on the list to be heard a little later, so you will have a chance to cover this whole matter.

MR. DEACHMAN: I heard others speak on previous occasions here at this meeting and ask a number of questions. I did not know the fact a man appeared later prevented him from asking questions in a proper manner of other witnesses.

THE CHAIRMAN: We established as a little practice here permitting anybody representing an organization to ask questions of any witness and if the witness cared to answer he was entitled to.

MR. DEACHMAN: Quite. I have enjoyed being in on the sittings of this committee very much. I thought you were very fair and impartial.

THE WITNESS: I will again continue:

"In the event of such finding, the Judge may remit the case to the Board for re-hearing or dismiss the application to the Board.

#### ENFORCEMENT

13. After an order of the Board is confirmed, or if the order is under appeal but the Minister of Labour has directed that it be binding and effective notwithstanding the appeal on the ground that the appeal is for the purpose of delay or otherwise



frivolous, or that for any other reason the order should be promptly enforced, then such order is to be equivalent to a judgment of the Supreme Court of Ontario and any person refusing to comply with the same or aiding or abetting any person in non-compliance with the same, in addition to all other penalties or procedures for contempt of court, shall be guilty of an offence punishable on summary conviction by a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding one year.

COMULSORY PAY DEDUCTIONS OR CHECKOFF

14. Deductions shall be made by an employer from the wages of employees for periodical payments to a union."

THE CHAIRMAN: I do not think there is much use of taking your time or the time of the committee and anyone else, because no one except in two isolated small cases has asked for the checkoff. I am sure the committee will not entertain it. No one has asked for it except your own organization and two isolated, small groups.

MR. DOWLING: Our organization has asked for it. It is no small organization. It is one of the biggest in the country.

THE CHAIRMAN: I can assure you right now that we are not going to incorporate it in any recommendation we may make to the Legislature.

MR. DOWLING: I am objecting to your statement that there are only two small organizations.

THE CHAIRMAN: I said outside of your organization.

MR. DOWLING: I happen to be a representative of the





Packinghouse Workers Union, which is no isolated union.

THE CHAIRMAN: That is one, but there was another one, which I have mentioned.

MR. DOWLING: I am just objecting to your statement that there were only two small unions, because we consider ourselves one of the biggest unions. The biggest ones did not ask for it.

THE WITNESS: I believe my union would be mostly in favour of it, as far as that goes; that is, the Street Railway Union of the City of Toronto. I think a great many of them would agree to it.

THE CHAIRMAN: I think one of the people who did ask for it admitted to Mr. Frlong that in the end it would be a matter probably which might better be left to an agreement between the employee representatives and the management.

THE WITNESS: Yes. It does <sup>not</sup> make it absolute that a person has to belong to it.

"(a) If the officers of such union make application to the Minister of Labour after the taking of a vote of the union membership to ascertain the wishes of the union membership in respect of such deductions and a majority of the union membership, upon such vote, are in favour of making such deductions. The employer shall then make such deductions from the wages of all union members, provided however, that any individual member may make written request to the employer that such deduction shall not be made from his wages."





So, the individual still has the right not to have his wages checked off.

MR. FURLONG: Q. If you have made it lawful for the contracting parties to include that in the terms of the contract, then you have practically what this provides.

A. I just wanted to point out that particular fact, that it imposes nothing on anyone, because the individual can still object.

MR. DOWLING: This is a point on which I feel pretty strongly. We want to go further than to make it permissible; we want something in the Act which says the employer is compelled to do so if requested by his employees. We are now in negotiation with one of the biggest employers in the United States. Out of nine hundred employees, eight hundred and ninety have petitioned the company to check-off their dues as a convenience to the union. It costs us considerable money going around and collecting dues every month. This company checks-off for everything - for the Red Cross, for the Community Service and Employees' Benefit Association, and it grants that privilege to its employees in the United States. In the United States it is the Swift Company which checks-off its dues. In Canada, it refuses that privilege to its employees. When you have over eight hundred out of nine hundred employees wanting this, we think the employer should be compelled to do it.

THE CHAIRMAN: I think I can give you in twenty minutes all the arguments advanced by the heads of the biggest labour organizations in America in opposition to it.



MR. DOWLING: I wish you would tell me of one.

THE CHAIRMAN: One of the very first reasons is that when it gets it, the union loses its enthusiasm; the organizers have not any work to do; they can sit back, draw their dues and all enthusiasm for the union ceases. That is one of the first arguments they put up. I could go on and give you many more, but on account of the amount of time we have left for this session, I hesitate to do so. There is only your organization and the other two organizations I mentioned who have asked for it. It would not be wise or sensible for us to recommend any such thing to the Legislature.

MR. DOWLING: I would like to answer that, because I do not agree that the purpose of a union is to collect dues. We are organized to benefit the workers in that industry and if we have to spend all our time and keep up our enthusiasm by collecting dues, we should not allow a labour organization. We exist for the benefit of the people inside the plants. We do not want to waste our time collecting dues, but to spend it in a more constructive way. I do not see any force in that argument. I would like to know the name of the labour organization who advanced it. Probably it was one of the company unions.

MR. MACKAY: The first time this collective bargaining bill was being brought up I had a conference with representative in Hamilton of the main executive office and they were unanimous in saying that they were not particular about the check-off. I speak of the A.F. of L. representatives.





THE WITNESS: We realize it is a contentious dispute. That is the reason why we put it in the Act, because it does protect the right of the individual.

THE CHAIRMAN: Here is the case of Mr. Mosher, the President of the C.C.L., embracing the C.I.O., and so on, and Mr. Sullivan, representing the American Federation of Labour, the two biggest organizations .....

THE WITNESS: Yes.

THE CHAIRMAN: .... and neither one is asking for it.

THE WITNESS: Because it is a contentious dispute. You are asking for our opinion, representing as we do, approximately fifteen thousand ...

THE CHAIRMAN: I was trying to save time pointing out there was not much use of discussing it because none of the members of the committee are in favour, because they have not been asked for it up until you came.

THE WITNESS: Then, let me continue:

"15. Nothing in this Act shall be construed as interfering with or impeding or diminishing in any way the right to strike.

16. If any provision of this Act or the application of such provision to any person or circumstances<sup>a</sup> shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby."

I think that is all. Thank you very much for bearing with us.

MR. FURLONG: Are there any further questions?

THE CHAIRMAN: I think you have presented it very





fairly...

I think there are no further questions.

MR. DOWLING: If not, I wish to thank the committee for hearing us.

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MR. FURLONG: Mr. Chairman, next we have the Sudbury Mine, Mill and Smelter Workers represented by Mr. R. G. Miner and C. Smith.

SUDBURY MINE, MILL AND SMELTER WORKERS

: R. G. MINER, Sworn

Mr. Chairman and gentlemen of the committee, before I proceed with my brief, I would like to point out that the workers of Sudbury are proud of the democratic fashion in which their organization functions. Possibly, as you know, more than three hundred delegates were elected in Sudbury to present this brief. It is a vital issue in Sudbury.

THE CHAIRMAN: Q. Are they all here? A. Unfortunately no. We hoped possibly the committee could meet in Sudbury. We realize now that that is impossible. As a result, the four delegates representing Sudbury today are four miners, four workers in the nickel industry. Their names are Joseph Nowalkoski, John McCool, and C. Smith. Of course, I am included.

We realize there has been sufficient evidence placed before this committee to convince the committee there is dire need for collective bargaining legislation. Our brief is to refute charges made by the United Copper Nickel Workers in Sudbury.



Q. Who was it submitted their brief? A. I believe the name was Anderson.

MR. FURLONG: Mr. Anderson and Mr. Facer.

MR. JOSEPH NOWALKOSKI: Frank Anderson, Tom Moland and E. C. Facer, a lawyer in Sudbury.

THE WITNESS: With the permission of the committee I would now like to present our brief.

"This is the brief for submission to the Ontario Legislature's Select Committee on Collective Bargaining as drawn up March 14th, 1943, by the stewards of Local 598, Sudbury Mine, Mill and Smelter Workers' Union from the various stopes and levels of the mines and the various departments of the smelters and refinery elected for this purpose and as instructed by the thousands of mine and smelter workers of the Sudbury Nickel district."

THE CHAIRMAN: Are they affiliated with any one?  
A. With the C.I.O. in the United States and the Canadian Congress of Labour in Canada.

MR. NEWLANDS: Q. How many do you mean by "thousands"?  
A. I am not in a position to reveal the membership of our union, but, when I say "thousands", it is no idle statement.  
Q. "Thousands" takes in a lot of territory. A. I agree with you.

MR. FURLONG: Q. How many employees do you represent in this industry? How many employees has the company?

A. Approximately eighteen thousand.

Q. Approximately eighteen thousand; and you have a portion of that eighteen thousand? A. A large portion, I assure you.



"1. We wish to express our appreciation of the fact that the Select Committee were able to arrange to hear our delegates on short notice. The tremendous task of securing the views of thousands of miners and smelter workers will be realized by the Select Committee, and until this was done, the time and form of presentation could not be arranged.

2. The miners and smelter workers of Sudbury welcome the fact that the Government of Ontario is aware, as the Minister of Labour, the Honourable Peter Heenan, told the Canadian Congress of Labour Convention last September, that the chief cause of Labour disputes is the refusal of employers to recognize bona fide unions and bargain collectively with them. We welcome the fact that the Government recognizes the necessity of labour legislation on collective bargaining to give industrial democracy to the workers of this Province.

3. In presenting the case of nickel district workers, we wish to stress the importance of having industrial harmony in the vital nickel industry at this time. We wish to bring to the attention of this Committee the facts of the situation in the nickel industry. In the establishing of a legitimate bona fide union with the aims and objects of bringing maximum production and reasonable working conditions we are faced with the vicious labour policy of a powerful corporation which has recently inspired the establishment of a company union known as the United Copper Nickel Workers.

It is the firm opinion of the workers of Sudbury





district that proper collective bargaining legislation would be an asset to all industrial workers and the welfare of our country at this time. It would greatly facilitate the industrial establishment of harmonious relations and maximum production in the nickel industry.

4. It is well known that the Sudbury district is the main source of the United Nations nickel supply. This nickel is vitally necessary for victory over the barbarous forces of fascism. Without this nickel our chances of defeating military fascism would be almost hopeless.

The Government of Canada is subsidizing the nickel companies to the extent of over twenty-five million dollars to increase production facilities. This alone does not guarantee increased production of nickel and copper. We intend to show that production could be greatly increased by industrial harmony and union-management production committees.

5. When we say that increased facilities do not guarantee increased production, it is not an idle statement. It has already been proven in many industries that absenteeism - caused by general unrest of the workers brought about by the anti-labour policies of many employers, has greatly hindered production. Killing the enthusiasm for maximum production by these same anti-labour policies prevents full use of such facilities.

6. It has been shown in previous Briefs that in the



great majority of cases, Workmen's Councils, as such, very seldom attain true benefits for the workers. Management naturally endeavours to leave the impression that the Workmen's Council is actually obtaining benefits for the workers. Consequently, it is the usual procedure to make some slight concessions to the workers:- all day suckers, designed to temporarily pacify the employees, new lockers, renovated dry rooms, free soap and at all times, a willingness TO LISTEN to the pleas of the Workmen's Council. As the management always has the deciding voice, the pleas are futile.

In the Falconbridge Mine's Workmen's Council Constitution, for instance, it states that in the event that a grievance cannot be settled by the Council and Superintendent "the matter shall be presented to the Manager for definite settlement". This is not conducive to a favourable settlement of a worker's grievance.

7. The word "company" in the rest of this BRIEF refers to Ince-International Nickel Company, and "company union" refers to "United Copper Nickel Workers".

8. The anti-labour policy of Inco as expressed through its tactics of fighting legitimate unions whether they be the Western Federation of Miners, A.F. of L., during the last war, the Metal Miners' Union of the Workers Unity League in 1928-29, or the International Union of Mine, Mill and Smelter Workers since 1936, is well known in the nickel district.



1942, that the proposal of a Central Committee of Welfare Associations was turned down by Mr. MacAskill two years ago, and the establishment by the company of the Central Committee and the so-called agreement at this time is designed to offset organization of a bona fide union by their employees.

9. Upon the setting up of this company union the company intensified its campaign of discrimination against members of the bona fide union in the nickel industry, Local 598, Sudbury Mine, Mill and Smelter Workers Union. It is and has been using coercion, discrimination, demotion and discharge in its efforts to force workers into the company union, called the United Copper Nickel Workers (UCNW). The fact that such tactics have to be applied clearly shows that it is not the desire of the workers to belong to such an organization and that they have no faith in it, realizing that they cannot accomplish anything through it. We also have sworn statements of cases of coercion, discrimination and demotion to prove our statements."

I would like to state at this time that it would be rather difficult to walk the streets of Sudbury without running into a man who had experienced discrimination.

The four delegates here have all had first class experiences of discrimination. We have a former member of our local now working in Hamilton who was one of our organizers and who was attacked and assaulted in the office last year. I would like to call on him, Brother Nowalkoski, to show you the lengths Inco will go to force a bona fide union out of Sudbury.





JOSEPH NOWALKOSKI, Sworn:

Mr. Chairman, and members of the committee, I was working for International Nickel. I started there in March of 1937 and worked there for four and a half years. The boys felt that they needed a union so we started to organize among ourselves the employees of the International Nickel Company. When I got into it in 1941, specifically in June or July, in the meantime I had to have two operations. I was an active member of the Local. We did not even have a charter at that time, but I was an active member of our coming local. At that time, I had two operations, and was off for six weeks. When I got back to work I was discharged for losing too much time. I knocked around town for awhile. I was discharged in August. The following March - I left town for a while - I came back in 1942 and they gave me a job out at Creighton. I went to work in March of 1942. In February the union office was smashed up in Sudbury; that is the union office on Durham Street.

THE CHAIRMAN: Q. You went to work when? A. The following February, just about this time. The day the hall was smashed up there were four of us signed a telegram and some night letters which we sent to some members of Parliament. Within the following week, three of us were fired. I was not fired. My personal case was that I was laid off after working nine shifts. I passed all through the doctors' hands, all the examinations and everything else. They gave me a slip after working nine shifts which read "laid off". The reason was "hiring slip not approved". That was their reason for laying me off. One of the four of



us who had signed these statements had been fired previous to that, so he was out anyway, but in the following week three of us who signed were fired by the International Nickel Company.

I left town in March of last year and went home for a while last year. I worked in McLeod-Cockshutt, in Geraldton and I came back to Sudbury. At that time they were spending thousands of dollars to get miners in Sudbury to go to work in the nickel industry. One of the boys wrote me to come back and I figured I might as well go down. I went into the Selective Service and said "I want a job. I am an experienced miner." They gave me a slip to go and see International Nickel. The fellow there looked me over and he said "You worked here before?" and I said "yes". He said "You are an experienced miner?" and I said "Yes". He said "We can send you to Creighton or Levack" and I said "I will go to Creighton". He could not find my file. Stewart came in and knew me as a union man and he spoke to this man who was talking to me and the chap came back and said "I am sorry I cannot give you a job." I said "Why? You just told me I could go to Creighton or Levack". He said "We have a lot of coal miners coming in and we will not need any more miners." I said "Quit giving me a line", and he said "You know why you cannot get a job with International Nickel as well as I do."

The Selective Service told me to get that slip signed "rejected". They would not sign it. The Selective Service could not do anything about it. I wrote to the Minister of Labour in respect of it and sent a few letters I had written to different Departments of the Selective



Service. They wrote that International Nickel said that I had lost too much time and I was let out, but they would not tell me why I was laid off. They would not give me any satisfaction.

In the meantime there was a United Copper Nickel Workers meeting at the Inco Club at Sudbury. I went up there and talked things over. I said "Your company is looking for miners. You are a democratic company but a man cannot get a job." A man named Frank Shore, the representative from Coppercliffe told me "You come here tomorrow and I will see about your job." I said "That is fine." I went there the next day and there was nobody around. I was out in the cold and could not get a job. They needed experienced miners and they would not give me a job under any circumstances.

I went to Falconbridge and they did not need any men there. That was the only other company there which was hiring miners at that time. I figures that if I stayed around town the law would pick me up on a vagrancy charge. I thought that was fine that I wanted to work if I could get it a job. I knocked around, around Sudbury for two or three months doing nothing. Eventually I went out to Falconbridge in April, and that is where I am working today.

There are hundreds and hundreds of cases today and every day in the week. There were two or three cases came up to our local hall in Sudbury yesterday. A man got fired at Creighton, out there. He was a good union man. They are crying for nickel miners, yet they can afford to fire miners every day. I thank you.

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ROBERT G. MINER, Recalled:

I would like to cite my case of discrimination.

I came to Sudbury rather well known to the International Nickel Company. I was president of Local 241, the Timmins Miners Union. The policy of our union has always been such that we adopted a total war effort policy regardless of how it affected anyone. We felt that there was no sacrifice which <sup>was</sup> too great. In Timmins, I have found out since the mine operators there are a little more lenient than they are in Sudbury. The reputation of International Nickel was that it was a very difficult problem to get or to obtain men to go to Sudbury. The fact that the miners were not properly represented on the manpower advisory board had a lot to do with it. The union did its best to persuade men to go to Sudbury. There two hundred union men in Timmins who expressed their willingness to transfer to Sudbury. They were willing to give up a good job and comparative comforts and place themselves at the tender mercy of the International Nickel Company. They came to me as president of the union and asked me if I would interview the president of the International Nickel Company in Timmins to make sure that they would not have any difficulty because of union affiliations. I saw Mr. Buchanan of the International Nickel Company at a local hotel. At first he wanted to fight me. I did not intend to argue, as he was bigger man than I in all ways.

THE CHAIRMAN: Q. He was trying to use his fists instead of reason? A. Yes. The next day he phoned me and stated that he could give me assurance that we would not



be discriminated against.

I transferred to Sudbury and International Nickel knew I was coming to Sudbury. I have reason to believe that the National Selective Service knew. I was employed at the Creighton mine. At that time I was an experienced miner with ten years mining experience, regardless of the fact that the Timmins Press stated that I was not fit to represent miners because I had no experience. I reported to the Creighton mine and I was immediately notified by my foreman that they had been waiting for my arrival for three weeks, that they had a place all ready for me. I repeat, I am an experienced miner. In Creighton they have old workings, rock which was broken so long ago that you find candle-sticks in the muck. Those are what they call open stokes. The first day they put me at the job of pulling the chutes. For the second and third days I did that. That is more or less of a job for a green hand. I did not object. The captain came to me and suggested that I should be up in a stoke as a driller. I pointed out to him that possibly there were other men who had been in the service of the company a greater length of time who were waiting for that job. He was going to put me in a stoke as a driller. The next day, the Superintendent came down and they said "Here is our big union man from Timmins", and the Superintendent said "As long as he can run that machine, I do not give a damn". The next day I went back to pulling chutes. The captain came down and suggested that if I were to keep my nose clean that there was no limit to the positions I could attain in the International Nickel. He pointed out that they needed stoke bosses, shift bosses and





level bosses. They even put on three captains in a year. A captain makes about \$400 in a month. That is more than I would make if I broke my neck. Again I pointed out to him that International Nickel was such a large company with such a large number of men who had worked for such a long time that it seemed to me they should be given first opportunity on those jobs. He said "Well, do not forget we have ways and means of taking care of guys like you who do not keep their noses clean". The next job I got was working on an ore pass with a straight six hundred feet of nothing below me. The captain unfortunately was a crippled man and he had difficulty in getting around. This was a very difficult place to get in to. We had to drive through broken rocks on our hands and knees. The captain came in with the shift boss and he said, "Now, look Miner, you should be an intelligent fellow. The miners in Timmins elected you president of their union. The miners in Sudbury may see fit to elect you to their executive board. It stands to reason that you have the confidence of the miners." I thanked him very much and I was highly complimented. He said, "We are looking for men of ability and we are willing to give them a chance to advance. Apparently you have organizational ability." He said, "Our company union is no good for the simple reason that the men do not know what they are doing and therefore I would suggest that if you would take a position with the company, organizing an independent union, something not affiliated with that damn C.I.O., you could practically name your





own salary. Spend a year in Sudbury and all your troubles would be over."

I had very great difficulty in getting living quarters for my family. There was a vacant apartment there. They asked me my name and immediately upon being told my name they apologized and said it would not suit me. The captain explained that I would never get a place in Sudbury if I was not for Inco. I moved from one apartment to another apartment across the hall and I could have moved my furniture on the backs of the cockroaches. I pay \$45.00 a month for three rooms. There was \$25,000 set aside to build houses for workers, but they built thirty-three houses for bosses out of the \$25,000 and the workers live in tents.

Men were coming from Porcupine and Kirkland Lake and trying to live up there and keep their families in Kirkland Lake on thirty-three cents an hour. When I went to the doctor with a cold, I told him I was working in a place which was half ice and half rock, which was true, and I am sort of allergic to the wet anyway, and he told me I could not return to work for three days. Other men who are hurt on the job are put on light duties. I had to take a three day lay-off because I contracted a cold, for the simple reason that the International Nickel Company isolated me on the top levels. When I gave them my seven days' notice, I was left on three hundred level all by myself for eight days. I was the only man between the surface and six hundred level for eight days. I had nothing to do but sit there.



They are still begging for miners, but they would sooner advertise in Winnipeg for two thousand farmers than go to Timmins and say "Come down and we will give you a square deal".

I will now call on Brother McCool who will cite another instance of discrimination at the International Nickel Company.

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(Page 1210 follows).



JOHN K. McCOOL, (sworn):  
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I started to work for the International Nickel Company in the fall of 1934. I was working in the steel shop in 1935. In 1936, I started to organize the International Union of Mine, Mill and Smelter Workers, Local 239, at that time. Then, International Nickel set up a bunch of company welfare associations. They held meetings in some of the halls in town there. Mr. Mood and the late Mr. Eager, who was at that time superintendent of Frood Mines, were there personally. They danced with the fellows and made a good showing amongst the boys and slapped them on the back, and all that sort of stuff. They got the company union formed by going around amongst the men at that time and having straw bosses and so on going amongst the men and asking them to sign these cards. The first year they had these men appointed. The men had no choice in who was representing them the first year. They were appointed by the company officials apparently. I do not know any of the men who had anything to do with it, anyway.

The following year we had an election in the shop. We nominated and elected Bro. Whelehan to represent us in the steel shop. He was on the general committee that year. The following year he was elected again and sent back in on the Welfare Association as vice-president. During that term war was declared, the president of the Welfare Association joined up on active service and Bro. Whelehan was made president for the duration of that year. The following year he





was nominated and elected again from the steel shop and a general committee nominated and elected him as president of the Welfare Association for Frood Mines. Bro. Whelehan was very active there and he brought in a lot of grievances from the men in his department and other departments, because they were going to be a little different than just fixing a light bulb and getting ventilation and other things straightened out. All they were interested in was getting you to put on hockey games, softballs and fights. They did not want you to bring up any real grievances of the men. If you did they would just try to get you off that committee.

In the fall of 1939 at the municipal election a bunch of us got together and we had Bro. Whelehan nominated to run in the municipal election. The day of the election he was called in, and Mr. Mood was in there and asked Bro. Whelehan to not run. He said "You are only going in there to try and upset the city council." Bro. Whelehan went ahead and ran. He was defeated in the election at that time. We carried on. International Nickel could see at that time that the men were dissatisfied with the conditions under which they had to work. Different welfare associations had tried to form a central committee previous to that, in the year 1939 -- or 1940, Bro. Whelehan? In 1940, they tried to form a central council. International Nickel would not stand for that at all. They thought the employees were going to become too strong. In the company elections of the Welfare Association in



the spring of the year in the Frood mines six of us were moved out of our jobs, four transferred to the Creighton mine, and two transferred to the open pit. They held an election in the Frood steel shop, the plate shop, the machine shop and the rigging gang in the Frood Mines Welfare Association at that time. Previous to this all these different departments had their own representatives elected in each department. This year they doubled three or four up. At this time I was transferred to the Creighton mine, but I still have information of what went on during this election. There were two of the men from the Frood Mine steel shop who were called out and warned that if John Whelehan was elected as representative of the Frood Mine steel shop they would get the same thing as these other fellows got, that they would be sent to Creighton mine, too. The election, I understand, had been set for the 17th of April. Bro. Whelehan was on his holidays and was to be back on the 15th of April at that time. They had the elections on the 11th of April. Previous to that we had a closed ballot, a secret ballot. At this time they had the elections in the plate shop. The straw boss from the steel shop, who is now foreman in the steel shop in Levack Mine, and the other men who participated in seeing that the election was carried on, was foreman of the plate shop and the machine shop at Frood Mine, and now he is out at Creighton mine as master mechanic at one of the lower levels, I understand, held this





election by a showing of hands. On the showing of hands Bro. Whelehan was elected. Then I do not know whether it was this master mechanic or Art. Moran---

THE CHAIRMAN: I do not wish to hurry anyone, but can you not make your point quicker, Mr. McCool?

THE WITNESS: This is all part of what has taken place. This is part of the case of discrimination. I would like you to know what went on through this whole procedure.

THE CHAIRMAN: All right.

THE WITNESS: Then they had a vote by a secret ballot. On the secret ballot Bro. Whelehan was defeated. It was the foremen who were the ones who counted the ballots.

Q. Pardon? A. The foremen were the men who counted the ballots.

THE CHAIRMAN: It may be a secret ballot, but how about the counting? Is that secret?

MR. FURLONG: We are here to investigate collective bargaining. This goes to show the troubles you have had or you have in regard to discrimination. After all there have been troubles on both sides. Can we not get on with your brief in regard to collective bargaining?

THE CHAIRMAN: We know there have been difficulties.

MR. MINER: I am only one member of our delegation. I will have to abide by the decision of the delegates. If the delegates feel these cases should be heard I am afraid we will have to abide by their decision.

THE WITNESS: We do not think it will take much





longer now.

THE CHAIRMAN: We heard from Mr. Nowalkoski.

MR. ANDERSON: All of you have the same evidence to give?

THE WITNESS: No, not quite the same.

THE CHAIRMAN: Were you here earlier? Mr. Burt was here and during the presentation of the brief of the organization he represented he called several men to show rank discrimination on the part of different employers and what had been done to them.

MR. MINER: Our main purpose here is to refute the charges made by the United Copper Nickel Workers. We have access to nothing in Sudbury. We have no access to the newspapers, to the radio and so on, and we cannot even hire a theatre. We have a contract here which was cancelled by the Famous Players Company under pressure from the International Nickel Company. We have no possible means of advancing these charges but that of appearing before this committee.

MR. ANDERSON: In other words, the company will have nothing to do with an outside union?

MR. MINER: The company will have nothing to do with anyone who is on it. I was in a position to bring hundreds of miners from Timmins, but, rather than treat me fairly, so these miners might be encouraged to come down, they isolated me from the rest of the men in the mine, and I could not even get a place in which to live, so it would discourage anyone else from coming.

THE CHAIRMAN: Go on, Mr. McCool. I am merely



pointing out I do not think you need to convince the committee that there have been thousands of cases of rank discrimination, which we think may be short-sighted. On the other hand, we are told that men deliberately slowed down. We have both sides of the matter. We have heard a lot about that, but we do not wish to choke anyone off.

THE WITNESS: You have not heard anything from Sudbury, only Bro. Nowalkoski.

I was transferred to Creighton mine with three other men. On the transfer they had "Required at Creighton mine". When they transferred us four men out they transferred four men from the Creighton mine steel shop in to the Frood mine steel shop.

Q. They were not Labour men? A. Well, they were not supporting Bro. Whelehan at that time.

At the time the office was broken up I was one of the men who signed the telegrams on the 24th of February. The office was smashed up and there were four of us who signed telegrams. On the 4th of March, around eight o'clock in the evening -- and I am not just positive about the time -- the superintendent and a master mechanic at Creighton mine walked into the steel shop. We were sitting down at the time waiting on the temper man to come back from pumping oil. There were eleven men on the shift at that time and a blacksmith who was working on the forge, but the oil did not interfere with him. There was an air blast furnace there, with a coke fire. He was



going ahead with his work. There was one man down looking at some steel on the rack. The rest were sitting around waiting to light up the fires, which we couldnot do until the man had stopped pumping oil. The superintendent and the master mechanic came in and walked right down to where I was sitting down at the time with these other fellows and did the talking to me, wanted to know why we were not working. We told them we were waiting for the temperman to come back from pumping oil. They pickedout two of us and told us we had better go down to the office. He would not listen to any explanation whatever. When we went down my time slip was marked "From loafing after regular lunch period." I was just a helper in the steel shop there, and I had no right to tell any of these men when to start or when to stop work. When they started I started to do my work with them, whenever they were ready, and when they were ready to quit I had to stop, too. This temper man had been called four times to go and pump oil. He kept looking at his watch and stalling and saying "There is lots of time yet." He was not out two minutes when the master mechanic and the superintendent of the mine walked in and came down. That afternoon at four o'clock Ted Gates, the superintendent of the Creighton mine had been in the shop talking to the foreman of the steel shop and looking over towards me. I do not know what he was saying. I can guess on it but I will not try. The same evening they walked into the shop and the temper man, who had been always very friendly with the boss, was





J.K.McCool, 1217  
the man responsible for pumping oil, and he had refused when these other men asked him. He would not do it until he decided it was time. Two of us were given our time and the other man was re-hired at Frood mine in about eleven days' time. They would not take me back at all.

I went to the Falconbridge Nickel Company. I tried to get a job there. They asked me if I had ever been a miner. I said "Yes". They asked "Where did you work?" and I said "International Nickel Company." They asked me "When did you quit?" and I said "The 4th of March." They then said "You have to be away at least six months. Unless you go and work some place for three or four months we cannot give you a job."

I took it up with the Department of Labour in Ottawa. We asked for an investigation into it, and we offered to submit sworn statements from a number of men who had the same thing happen to them and they would not bother having an investigation.

Then I was hired at the Sudbury Brewing & Malting Company on the 17th of April. The first of June the men started to organize there. On the 17th of June I was fired. I had taken a shift off on the 16th and I sent word in to the boss who was in charge of the brewhouse that I was not coming in, that being the general procedure there right along. When I came in the next morning to go to work, the brewmaster, John Clements, asked me what happened yesterday and I told him why I was not out to work. He said, "Well, you disorganize the whole place. We cannot have men like



you here. You had better get your time." I tried to reason with him and he just did not wish to listen. I went and got my time. Bro. Elroy Robson was in town at that time. He was the representative of the Canadian Congress of Labour. He went down and had a talk with this brewmaster, John Clements, and he asked him just why he had fired me. He said "Well, he is not doing his work properly." He said "Well, now, Mr. Clements, that does not make sense. You just raised that man's wages five cents an hour. Why did you do that if he does not do his work?" He said "Well, he is not loyal anyway."

I went back out to Falconbridge in June to try to get in there again. The employment agent told me he had been off sick and he did not know just how things stood for hiring men and that he would give me a call in a couple of days. I waited for a week and had no reply. I went back out to Falconbridge and I asked him whether or not he would be able to give me a job. He said, "Well, I do not like to keep a man hanging around looking for a job when I know he is not going to get it. They do not want to hire you." I said "Why?" and he said "I cannot tell you that. You likely know as much about it as I do." He said "I can give you a job and send you over to work but they would only fire you."

The first time I had been out there I believe I admitted that, he told me that International Nickel had them under their thumb and they dominated them. He said "They pretty well control us because they are



refining our ore, and we have to do pretty much as they tell us." This was all denied by the International Nickel Company and by the Falconbridge as well.

I believe that is pretty well what happened.

MR. MINER: Our delegation appreciates the fact that you and the committee have listened to many cases of discrimination and this is more or less like taking steel to Sheffield. If I have the assurance that you, Mr. Chairman, and the committee will fairly study our brief and the sworn statements of discrimination cases we have given you, I will continue with my brief.

THE CHAIRMAN: Go ahead.

MR. MINER: Very well.

"10. In addition to company officials, nine Captains, etc., there have been paid organizers allowed and encouraged to organize on company time throughout the mines and smelters.

We have sworn statements/<sup>proving</sup>that as many as one hundred men have been kept from working for over one hour in the Frood Mine while a company union man attempted to persuade them to join the U.C.N.W. Instances of this nature have occurred many times throughout the mines and smelters of this company, holding up production.

To try and force workers into the company union, experienced miners have been replaced by inexperienced men and placed on jobs requiring less skill and experience, resulting not only in loss of income to the men demoted but also loss of production to the war effort.





Such tactics have been applied in the shops and smelters with the same results.

Coercion in the form of promising advancements and more pay to some workers if they will join the U.C.N.W., disregarding seniority, has also been used.

Being subject to these conditions has given the workers no incentive to increase production and has undermined the morale of many of the workers, naturally causing absenteeism.

11. The workers' efforts to organize have not only been opposed on the job, but the influence of the company extends throughout the community.

On February 24th, 1942, the office and furniture of our Union on Durham St. in Sudbury were smashed and two union organizers were the victims of a murderous storm-trooper raid by men whose time-cards were punched in at Inco's Frood Mine."

We are in a position to prove this, and we have a man here who will do that. If you care we will call him.

MR. FURLONG: We will take that.

MR. MINER: I am now continuing to present my brief.

"We have been denied the use of the radio and the local daily press has carried a vicious campaign of anti-union propaganda and refuses to print press releases or letters answering charges



made. The union of the workers, Local 598, is rapidly growing out of the needs of the workers even though suitable meeting places have been denied to us and in some cases contracts for such meeting places actually cancelled after being made.

A contract for use at a Sudbury theatre, signed by Local 598 and the Canadian Congress of Labour, and the Canadian office of Famous Players Corp. was cancelled on orders from the head office of Famous Players, after the meeting to be held in the theatre had been well advertised. This is a demonstration of the power and influence of the International corporation, Inco.

Company unions and anti-labour tactics such as we have cited should not exist in Canada, and we believe that only in countries occupied by the fascist nazi powers are these things general.

12. We workers and citizens of Sudbury district do not approve of such practices and we are building our union to remove such conditions at home. At the same time we realize we must defeat such conditions abroad and that nickel must be produced to win the war.

Our policies and aspirations are based on the perspective of:

(a) achieving for the workers of Sudbury the economic and social security to which all workers are entitled and which thus far have been denied the miners and smelter



workers here.

- (b) stepping up production of nickel and copper by proper union-management production councils, which have been found to work so successfully where workers are recognized as a partner in industry and are designed to attain maximum production in the various mines and smelters.

Proper union-management committees would enable the workers of Sudbury district, whose patriotism is unquestionable but whose hands are tied by the International Nickel Company, to make their much desired, maximum contribution towards the destruction of fascism and the successful conclusion of the Global war.

International Nickel company's Huntington, West Virginia plant, typifies the high standard of production to which Sudbury workers aspire. Through their union-management production council they have increased and continue to increase production, winning the highest efficiency awards with the exception of the C.I.O. flag, including the Navy "E" flag and the Army-Navy "E" Flag and several stars to these as well as the U.S. Treasury "T" Award.

Such achievements could be made in Sudbury if the workers were guaranteed the same rights of collective bargaining as the workers in the United States, where under the protection of the Wagner Act, the workers in the Huntington plant,





organized in a C.I.O. union, have won from the International Nickel Company a Union contract embodying such clauses as 'There shall be no discrimination, interference, restraint or coercion by the company or any of its agents against any employees or applicants for work because of membership in the Union.' '..in the interests of harmonious relations the Company recognizes that responsible union leadership is of value in employee-employer relations and recommends that those employees who are now or who may become union members continue their membership.....'

13. The work that the International Union of Mine, Mill and Smelter Workers has done in increasing production in the United States, and are trying to do in Canada, is recognized in the following tribute of Mr. Wendell Lund, Director, Labour Division, U.S. War Production Board:

'IN THIS GREAT STRUGGLE for total victory,  
in  
your union is/the vanguard, You have not and will not let freedom down. There is laid upon government and management an equal responsibility to rise to your challenge and your example. There is no union in America that has co-operated more/patriotically in the war effort than the International Union of Mine, Mill and Smelter Workers. 'There is no union in America that has had a more constructive approach to working with our labour production division of the War Production Board than your organization.



'You have been highly intelligent, energetic, and instead of waiting for us to come to you to solicit co-operation and assistance, you have come to us offering everything you have -- manpower, production ideas, intimate knowledge of your industry, You have offered your country everything you have to give.

'Let me say here and now that no labour organization in the country has shown greater patriotism and devotion to the cause for which we are fighting than your union.

'Let me say too that I am completely aware of the fact that the Mine, Mill and Smelter Workers couldn't make the kind of record it is making without some of the most intelligent leadership in the country.'

The above quotation, which can be supplemented by that of other Leading U.S. Government officials, including President Roosevelt, praising the role of our Union leaves no room for talk of 'International Union gangsters' and other malicious slander and propaganda about International unions and their representatives.

14. We regret that this Government Committee have not had the privilege of coming to Sudbury and establishing contact with the masses of the rank and file workers whom we represent.

15. We believe that it is vitally necessary for the welfare of the workers of Sudbury and the people of Ontario, of Canada, that the Labour Legislation which it is your task to consider should



include the following proposals:-

(a) provision of effective machinery for the democratic determination, by vote, with secret ballot if necessary, of the bargaining agency desired by the workers immediately affected in any department, plant or industry, The choice of over 50 per cent of the workers immediately affected and voting, shall be considered the choice of the majority of the employees concerned.

(b) That it shall be an offence under the proposed legislation for an employer or his agent directly or indirectly to sponsor, support, finance, dominate, or exert any influence whatsoever upon any group, association or organization of his employees established for the purpose of negotiating a collective agreement or carrying on the legitimate functions of a labour union.

(c) That any arbitration proceedings provided for under the proposed legislation shall commence within five days of the application therefor, and be concluded within thirty days from the date of the first meeting of the arbitration board.

(d) That it shall be an offence under the proposed legislation for an employer or his agent, directly or indirectly, to refuse to employ any person of union membership, or to





discriminate against, coerce or intimidate any of his employees in the effort to prevent them joining a union, or carrying on activities for or on behalf of a union, or to interfere in any manner whatever with the right to join the union of their choice.

(e) That where a majority of employees covered by a collective agreement individually authorize their employer to deduct union dues or assessments from their wages, such authorization shall be acted upon by the employer.

(f) That it shall be an offence for an employer to refuse to bargain collectively with the authorized representatives of the union of the workers' choice as determined in accordance with the appropriate clause of the proposed legislation.

(g) That penalties shall be provided in the proposed legislation, sufficient to be effective, to apply to any employer who is guilty of any offence as defined therein.

(h) That in the proposed legislation the definition of the term 'employee' shall include workers who have not severed their employment, such as workers who are on strike, or have been discriminated against by employers, etc.

(i) That the provision of a Union shop or



maintenance of membership clause in any collective agreement as a condition of employment shall not be deemed to be coercion of the employees within the meaning of the proposed legislation.

We endorse the proposed Bill drafted and submitted by the Trades and Labour Congress of Canada and our central Labour body, the Canadian Congress of Labour.

We also urge that this Government Committee consult the officers of these bona fide labour bodies when the Committee has a draft of the proposed Bill ready.

All of which we submit to you and urge in the name of thousands of miners, smelter and refinery workers of the Sudbury Nickel District be given earnest consideration by the Committee in its deliberations, and its recommendations to the Ontario Legislature.

SUBMITTED BY THE DELEGATES ELECTED BY THE ELECTED STEWARDS OF LOCAL 598, SUDBURY MINE, MILL AND SMELTER WORKERS UNION, INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS."

Gentlemen, I thank you for the very patient way in which you have received our brief.

THE CHAIRMAN: We are very glad to have heard from all of you gentlemen.

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First, I would like to read a memorandum from District 8, I.U.M.M. & S.W.:

"MEMORANDUM

PRESENTED BY R.H. CARLIN BOARD MEMBER  
DISTRICT #8 I.U.M.M. & S.W.  
IN BEHALF OF LOCALS 240 AND 241, 598 AND 637 OF THE  
INTERNATIONAL UNION OF MINE, MILL AND SMELTER  
WORKERS.

.....

1. In speaking for the members of Local Unions Nos. 240, 241, 598 and 637 of the International Union of Mine, Mill and Smelter Workers, we are speaking for the majority of Workers employed in and about the Mines, Mill and Smelters of Kirkland Lake, Timmins, Sudbury and International Nickel Companies Refinery at Port Colborne, Ontario.
2. In tradition with the policies of our International Union, (no strike during war time.) we, the members of the above mentioned local Unions are desirous now, as in previous months, of making our greatest contribution towards attaining industrial peace so essential to our country's all out war effort. We believe that the only way to achieve this ideal, which is uppermost in the minds of all the members of our organization, is by the government legislating such a Collective Bargaining Bill as will give full and complete protection to workers who organize themselves into Labour Unions of their own choice. One which would outlaw company Unions and make compulsory and binding Collective Bargaining with a Bona-fide Labour Union as chosen by any majority of workers.
3. The cause, outcome and final results of the Kirkland Lake strike a year ago is history.





We venture to say, however, the one way to prevent similar/situations from happening is by the enactment of such Labor legislation that will guarantee the workers of Ontario the rights to organize into Unions of their own choice and therein to bargain collectively. The Kirkland Lake strike could and would have been prevented had Order-in-Council 2685 been mandatory instead of declaratory.

4. Accordingly, we urge this committee, upon whose shoulders rests such grave responsibilities, to recommend to the government of Ontario the passage of such Collective Bargaining Legislation as advocated by the Canadian Congress of Labour, the Trades and Labour Congress, Local 240-241,598 and 637 of the I.U.M.M. & S.W. and other responsible Bona Fide Labour organizations throughout the province of Ontario, immediately. If you recommend accordingly, you will have made your contribution to our National All-out-War-Effort and thus towards the attainment of Industrial Peace and the extension and preservation of Democracy which is so essential to the welfare and happiness of the Ontario Workers."

Next, a statement by myself:-

"Statement of R. G. Miner

Creighton Mine

Married -- 2 Children

Member of Local 598, Sudbury

Former President of Local 241, Timmins, Ont.



## Employed -

On reporting for work at Creighton, was immediately told that my history was well known to Inco, and steps already had been taken to isolate me as much as possible. Was put to work on #3 sub level. Accepted all and any work which was given without any complaint. When stope in which I worked proved to be making no bonus, I asked for company time job. This was granted. I was made timberman. Worked as timberman approximately two weeks, when my duties would have necessitated my moving to 10 level. Captain overstepped shift boss and ordered me back to stope on #3 sub level and another man given my job as timberman. Was encountering quite some difficulty in obtaining living quarters for family, and was repeatedly approached by captain and shift boss to join company union, with offer of company house as bait. The fact that many men had been seeking company house for years made no difference.

Captain Jack Brown suggested that I organize another union and present company union would be done away with.

Was repeatedly offered better jobs and an opportunity to get house if I would 'keep my nose clean,' in other words co-operate with Inco regarding Union. Captain Brown once stated that he had 'ways and means of taking care of me' if I insisted on organizing for miners' union. Threatened lay off or discharge if I was caught using company time to organize. When I agreed



that this was proper, he stated that my work was very satisfactory. In no case has there been any complaint from company regarding my work.

This is a sworn statement.

signed ROBERT G. MINER

Witness .. Chas. McClure    Witness .. Wm. A. Sloat"

Next, a statement of Clarence Smith:

"Statement of Clarence Smith

Frood Mine - Underground Warehouse Man

Employed - June 1929

Member of Local 598 - Sudbury

I started work for International Nickel Company in June, 1929. I worked eight months as a track man. I then worked at timbering for two years. I was then made stope boss on which job I had worked for eight years. I suffered an injury to my shoulder on November, 1940, I was confined to the Copper Cliff Hospital for a period of twelve weeks. I then returned to light duty work for a short time in 1941. I was then transferred to the underground warehouse late in January, 1942, at which job I worked until December, 1942. I became a member of Local 598 on December 2, 1942.

It became common knowledge throughout the mine that I was a union man and about three days after I became a member of the Union I was approached by the Mine Captain, G. Ballantyne, who told me he had heard that I had a new job selling union tickets and that I was working for the wrong organization. I replied that





in my estimation it was the right organization. He left without further discussing the matter.

A few days later, on December 9, 1942, I was sent back to light duty work at a loss of rate from 71¢ an hour which I had been making to 63¢ an hour. I enquired of the reason for this new transfer. He replied that I had made an error on the time sheets. I told him that the time sheets were checked over daily by the shift boss. He stated that the shift boss was capable of making a mistake as well.

On the evening of December 9, 1942, I stated my case to J. J. Billeki, an officer of the Local Union 598 who told me to accept the light duty work in lieu of a possible settlement at a later date. He pointed out to me that a Public Relations Officer would be in the city in the near future to investigate mine and similar cases.

I worked on light duty for two days and then was instructed by my boss to go on a ditching job. I protested to the boss that I could not do this work as one of my arms was seriously disabled. He did not reply. I then went to Fawcett and asked him if I had to go ditching. He told me I could use a shovel. I answered that I could not. His reply was, "From what I hear from Inco doctors your disability is in your head." I answered that I certainly could not do the ditching job and asked for a slip to see the doctor to find out whether in his estimation I could handle this type of work. He told me that he did not have to give me a slip. I replied that I knew that it was not compulsory that he



give me a slip but stated that I did not want to come out the next day to find that I was not capable of handling the job and then have to return home if nothing else was offered me. He told me that I had to do as the light duty boss ordered. I answered that I would report for work but if I was sent to do ditching work, I would return home. He did not reply. I reported for work on the following day and was told by the light duty boss, Niemi, to go ditching. I protested that I could not handle this type of work but he did not reply. I proceeded to surface to notify Fawcett and Smith that if I was not given a job that I could handle, I would return home. They did not answer so I returned home.

This is a sworn statement.

signed C. SMITH

Witnessed Fred Denstedt

Witnessed Carl Wither."

Next, a statement of Joseph T. More:

"Statement of Joseph T. More

Worked at Smelter for Four Years \

Underground for nine months.

I was hired for the machine shop on June 30, 1942, where I worked till September 10, when I was transferred to the Open Pit crushing plant. Last Friday, December 4, I was told by my shift boss to go back to the machine shop where I worked before. During all this time, I put my time in as machinists' helper, getting 59¢ an hour.



On Saturday I put in a shift in the machine shop and was told to take Sunday off. On Monday morning when I came on shift I was told to go and work with Joe Butler who, among other things, is in charge of the water supply system for the Frood Mine. On approaching Joe Butler I was told to go along with another man who was going to show me my job which, he said, was supposed to be a cleaning up job along the water pipe-line. So my friend and I started out walking along the water line which leads to Whitson Lake about 4 miles away. Of these four miles, about 3 miles of the pipe line is covered with small brushes averaging about 10 to 15 ft. high. My friend told me that my job would be to cut a 5 ft. lane all along this line with the use of an axe. I realized all of a sudden that I, who was a machinist's helper, was now to become a brushman for about a month.

Upon my return from this observation trip, I told Joe Butler that I was supposed to work in the machine shop and couldn't understand how I could be placed on this job of wood cutting. He told me to see the shift boss as he had nothing to do with placing any men on the jobs. The shift boss in his turn told me that he had orders to put me under Joe Butler and knew nothing of the nature of the job I was supposed to do for him. Then I approached Mr. Ross, the Master-mechanic, who told me that as far as he was concerned, I was the newest man he had, and so I was the one that he





had to place on this job. I told him that I did not ask for a transfer, and did not desire it if I had to lose my seniority completely on account of it. All my transfers since June 30th were orders from the bosses of my department, so I could not understand why I was to be considered a new man every time I was placed in a new plant so long as I stayed in the mechanical department. Since this job of brush cutting was not a mechanical job, I told Mr. Ross that he will have to find somebody else for it as I wasn't going to do it. Ross told me that as far as he was concerned I was to work for Joe Butler until the job was finished. This ended our conversation and I went away, intending to report to my local.

This is a sworn statement.

Sig. J.T.More

Witness Wilfred Zadow

Witness Albert Raimonds".

Next, a statement of L. Blais.

"Statement of L. Blais 171 Notre Dame

Married - seven children

Worked Inco 5½ years

Working at Creighton - Pillar at 77¢

Member of Local 598 - Sudbury, Ont.

Saturday, Jan. 30/43, the shift boss, Dougherty told me if I would get behind the company union, I could have 85¢ per hour and a good bonus



stope.

This is a sworn statement.

signed L. Blais

Witnessed R. O. Brown

Witnessed W. Chapman."

Next, the statement of F. Thompson.

"Statement of F. THOMPSON

172 Oak St., Sudbury, Ont.

Member of Local 598, Sudbury, Mine, Mill &  
Smelter Workers' Union.

Works in Roaster Dept., Nickel Reverb.,  
Copper Cliff Smelter.

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Discrimination leading to loss of production.

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After five years working in the Roaster Dept. of the Nickel Reverb. at Copper Cliff Smelter of I.N.Co., a man from the furnace Dept., P. Duffy, was moved up to the Roasting Dept. and put on as a roaster helper ahead of me. P. Duffy was a Welfare Association and later a U.C.N.W. representative. He could not do the job and had to be helped by others. Two experienced roaster helpers quit because they realized that there was no seniority for them.

About 20th January, 1943, P. Duffy was given the job of roaster furnace man at 77 cents an hour and I was left as steady helper at 69 cents an hour. P. Duffy had only worked on one ("H") floor of the five roaster floors and did not know



the job over which he had to oversee. I am experienced on all five floors.

This has resulted in it being necessary to bring in an older - experienced furnace man during breakdowns and has also resulted in many unnecessary delays because of his, P. Duffy's, lack of knowledge of what to do to prevent breakdowns and delays.

There are other experienced men with seniority capable of doing the job.

This proves that there is no seniority in the Copper Cliff Smelter and that preference for company union men hurts nickel production.

This is a sworn statement.

Signed J. Ford Thompson  
Victor Leeds  
March 13th, 1943

Above circumstances declared correct

Witnessed P. Lynott

Witnessed J. A. Machan."

Next, the statement of L. English.

"STATEMENT OF (Tele.6-6882)

L. ENGLISH 159 Pine St.  
Sudbury, Ont.

STOBIE OPEN PIT (Single)

WORKED FOR I.N.CO. 2½ years

I am working at Stobie open Pit on blasting crew. On January 26th, 1943, C. Anderson, President of the company union, U.C.N.W., came to Mechanic shack at Stobie Open Pit and help up production by talking company union to about thirty men for





an hour. And he also went around to the churn drills talking company union to the churn drill operators.

This is a sworn statemmnt.

signed Louis English

Witnessed Chas McClure

Witnessed R. G. Miner."

Next, the statement of Nelson Thibault.

"Statement of Nelson Thibault

Frood Mine - 2½ months on 1800 Level

previously worked at Levack three years transferred because of housing facilities at Levack.

Married - 57 Regent Street North.

When at Levack worked as motorman and level boss. When transferred to Frood, rate was cut from 77¢ per hour to 71¢ per hour and worked as motorman until December 4, when I was transferred to a pillar on 2600 level.

This pillar is one of the hottest in the mine and I asked the shift boss if there had been any complaint on my work as motorman and why I was transferred. He said there was no complaint but he had orders to make the change. I went to the captain and asked him why I was put in the pillar when experienced pillar miners were being taken out of pillars and put on other jobs. He told me there was no complaint on my work but he was sending me down to work in this pillar and if I was not satisfied I could go and see Smith,



the underground Superintendent.

I went to see Smith and asked why I was transferred. He asked me what business I had to come and see him and he said to get down to the pillar and get to work. I asked him if he could give me my time and he said go down to the Selective Service board and try to get your time. I went back to work and have stayed in the same place since.

(Signed) N. Thibault

Witnessed Wm. A. Sloat

Witnessed Louis English."

Next, the statement of Pete Bodnarchuk.

"STATEMENT OF PETE BODNARCHUK

MINER I.N.CO. FROOD MINE, 1800 SOUTH  
WORKED FOR INCO 2 YEARS. MACHINE RUNNER  
(Room 23, Paris Hotel)

On February 5th, 1943, James Gordon, organizer for company union, U.C.N.W., spent the full day going through the stopes on 1800 level trying to get men to join the company union, U.C.N.W. He spent considerable time in each stope talking to the miners and holding up production.

This is a sworn statement.

Signed Pete Bodnarchuk

Witnessed Bernard Newman

March 12th, 1943"

Witnessed M. Ripka

And, lastly, the statement of W. F. Kennedy.



"STATEMENT OF W.F.KENNEDY

276 Whittaker St., Sudbury, (Phone 3-1801)

Worked for INCO 13 years at FROOD Mine. Married man with 2 children.

.....

Company Union organizers have been frequently organizing on 2000 Level North travelling from one work place to another trying to induce the men to join the United Copper Nickel Workers. I have been approached by the Assistant-superintendent H. Smith, the General-foreman K.V.Lindell, the late Mine-Superintendent F.J.Eager and the present Mine-Superintendent A.E.O'Brien, urging me to join the U.C.N.W., and suggesting that I use my influence to get other workers to join the same organization.

When the U.C.N.W. started a campaign to organize one of the company union organizers, George Gowan, detained one hundred men for over an hour on 2000 Level North in Frood Mine (where I work) trying to induce them to join the company union, U.C.N.W.

This is a sworn statement.

Signed W. F. Kennedy

Witnessed Alfred C. Pasch

Witnessed Ronellenfitch Carl F."

That is all, Mr. Chairman, and thank you very much.

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MR. FURLONG: Well, Mr. Chairman, and gentlemen, does the committee desire to now adjourn or go on for a while?

THE CHAIRMAN: What else have we now?

MR. FURLONG: We have one further gentleman who was scheduled to be heard this afternoon, namely, Mr. R. J. Deachman, of Ottawa.

THE CHAIRMAN: We had better hear Mr. Deachman then, because we have much business for this evening.

MR. FURLONG: Very well.

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PRESENTATION OF R. J. DEACHMAN.

R. J. DEACHMAN, (sworn).

Mr. Chairman and gentlemen, I would like to present a brief as follows:-

"COLLECTIVE BARGAINING

by

R.J.Deachman

(A brief presented to the Ontario Legislative Committee on Compulsory Collective Bargaining)

The basic thought behind the program for Collective Bargaining is the desire of labor for a higher income. It wants to improve its position, a wholly logical objective against which no man can utter a word of protest.

The method used will not accomplish its purpose. Historical fact shows it never has. Reason tells us that it never will. The only thing it can accomplish is to lower total wage and salary payments and increase, in times of peace, the volume



of unemployment. This I will now proceed to prove.

Labor is not the only factor in production. By labor, in this sense I mean those who are in receipt of either salaries or wages. There are other workers, but they are paid by the sale of their products, as for instance farmers and fisherman, or by a commission as for instance salesmen, or direct payment for professional services, or by a profit, as is the case of the small business man.

We are, in this world, a part of a correlated and unified system. If labor could by organization force up its rates and increase materially its share of the national income the result would be unbalanced economy, a period of depression. In the end, labor would be the greatest sufferer. Fortunate indeed are we in the fact that our economic laws are not so lightly mocked - we cannot disobey them with impunity. Fortunately also there is a method of action by which labor can improve its position. If by co-operation with capital and with other producers it can increase the national income and if the gains in technical and mechanical means of production can be passed on to the community higher real wages would result, unemployment would disappear, save only unemployment of a temporary nature arising from technological causes.



History Proves It

Let us look briefly at a few facts. In 1929, our most prosperous year prior to the present war, the national income was \$4.718 million dollars. Total wage and salary payments amounted to \$2.900 million - 61.4% of the national income. In 1933, at the bottom of the depression, the total income was \$2.632 million, total wages and salary payments were \$1.675 million - 63.6% of the national income. As the total wage payments in 1929 exceeded the national income of 1933 the payment, in '33, of the volume of wages and salaries paid in '29 would have involved the distribution of a sum greater than the total income of the nation. The same would be true of 1932 and 1934. If we desire full production (and this means the fullest possible use of our capital, labor and raw material) it will not be brought about by legislative strengthening of one group at the expense of others and permitting it to upset the national equilibrium. It will come about, if it comes, by joint effort on the part of all to bring about the desired end - an increase in the total size of the national pie and therefore a larger portion for each.

Labor through the years has received an almost invariable percentage proportion of the amount which it produces. The increase of its earnings comes not from an increase in wage rates, as it fondly but foolishly imagines, but by the increase in the volume of production per unit of labor and this is dependent upon the inventive capacity of the





people, the efficiency of labor and the amount of capital investment per unit of labor employed. These things constitute the basis of hope.

In comparison with such trifles as Collective Bargaining they are as a mountain of gold when weighed against a touch of thistledown."

Now, gentlemen, I would like to add here one little fact which I might have included in my brief, but I did not have the figures available at the moment. I wanted to make an example of this from United States figures, for the simple reason that in Canada the figures are not so complete and therefore cannot be put in the same form.

In 1914 in manufacturing in the United States the index of production was 71.9. I mean by the "index of production", taking a basis for 1923-1925 as 100, the 1904 production was 71.9 of the 1923-1925 index. In 1938 the index was 150.4. I am not asking the committee to burden their minds now with the detail by reason of which that is approached, but the increase in capacity to produce of the individual worker. increased 109% during that period.

MR.MACKAY: Q. Would that be, Mr. Deachman, in the development in the machinery? A. Yes, quite. It came about through the substitution of machine man hours in the industry for the old man hours.

Hourly earnings adjusted for cost of living moved up in that period from 71.5 to 105.6. In other words hourly earnings moved up 104% while



production moved up 109. I call your attention to that fact because 109 and 104 is a rather closely paralleled movement extended over a period of twenty-five years, showing that in their time there was no attempt upon the part of capital to curb down the gains which went to labour, but they almost exactly paralleled production.

I need not point out to you as businessmen that in a dynamic condition of industry such as existed between 1914 and 1938, when things were moving rapidly and improvements were taking place very, very rapidly, that a great deal of machinery would have to be thrown out before it had done its work and the capital cost would increase. In view of these facts there is fundamental evidence for the conclusion that capital did pass on to labor its public share in the gains amounting from the technical increase in production due to the changes which were taking place.

Now, I want to set out another case because I do not want to give you the idea, sirs, that this is always so close as it was in connection with manufacturing. Here is what happened in regard to railways. From 1914 to 1938 in railways in the United States the output increased 87.7. At the same time the earnings mounted up from 73.4 to 145.7. In other words the increase in output was 87.7, while the increase in earnings was 98.5. In the case of railways the main one, which was an apparent factor, at best, let us look at it so far as the number of employees were concerned. From 1914 to 1938 the



number employed in the railway industry in the United States declined from 1,482,000 to 975,000. The partial cause of that, of course, was the competition of the automobile, but in some measure the decline was due to the fact that by reason of the strength of organized power the railway workers had carried the level of wages beyond the capacity to pay and the inevitable result followed. It was expressed, as it had to be expressed, in increase of volume of unemployment.

However, let us carry this story a bit further.

#### "The Story in Figures"

When in doubt look at the facts. Here is a table which shows the percentage which direct factory labor - total wages and salaries constitutes of total production. Now please do not suggest that this percentage is too low or that this is all labor gets out of production - that type of falsehood has been presented in the House of Commons and in labor arguments as long as I can remember. It is only the direct factory labor. It includes none of the costs of primary materials nor of indirect labor nor of distribution. It covers a 30 year period. Prior to 1910 our statistical record is not very clear. The figures follow:





Share going to Salaries and Wages  
in Canadian Manufacturing

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1910	-	20.7%
1915		20.5%
1920		19.4%
1929		20.0%
1933		22.3%
1935		21.1%
1937		19.9%
1938		21.1%
1940		20.1%

Note how unchanging it is - a war did not upset it.. The percentage remained fairly constant through the ups and downs of a boom and a depression. Does any really intelligent man think that it can be changed by a collective bargaining act? In attempting to do so you might throw thousands out of work but you could not materially improve the percentage even if you were permitted to write the act itself and had the power of a despot in imposing it.

The average of the nine years I have given is 20.6%. The highest 22.3% - the highest came in the worst year - the economy of the nation was depressed because labor took - not too much - but an amount beyond the capacity of the economy to pay. The lowest was in 1920 - 19.4%. That year recorded the highest total money wage and salary payments in Canada prior to the present war - note please



that it was the lowest percentage. By chance or fate, in that year, you gave an opportunity to others to live and they helped you to live. In a capitalist economy good deeds are rewarded - in a socialist economy payment for progress will be in terms of higher taxes. The average of these nine years was 20.6% and the greatest deviation above the average was 1.7 and below 1.3. The average per employee in money wages in 1910 was \$468 and in 1940 it was \$1,208 - the money wage level of 1940 was 237% of the 1910 level - the percentage of the national income was .6 of 1% lower.

Not a dollar of that increase arose from collective or any other form of bargaining. You produced more because the machines were better. Man-hours of work had given place to machine-man-hours. You could not have received that even if your employers were angels unless you had earned it. If these gains had been passed on to the consumer in lower prices of products demand would have increased and you would never have known the curse of unemployment and it will, I fear, stay with you through the years until that lesson is learned.

You may go back over the record in American conditions in U. S. A. manufacturing for 100 years, similar conditions prevail. It is true also in Britain. There may be fluctation from time to time but the general trend is the same. You get your share of what you produce and if you push



too far your desire for higher wage rates the volume of production declines and you take less. Total salary and wage payments decline.

There is endless support for this contention. It is written in the history of the labor movements of the world - still the other story will be told - and this will continue as long as you pay men for telling it. Let us put this on the basis of a search for truth then we can work together. The only difference between me and my labor friends is this: I seek for labor higher total wage and salary payments - at times labor seeks higher wage and salary rates regardless of its effect on total payments. It will not always do so - in time, it will choose the wiser way. I have never for a moment lost my faith, in its capacity, through pain and suffering to find the right means to the end it has in view.

I come now to another phase of this problem. This committee has been appointed to consider a plan of collective bargaining. What we say here has small value save as it affects the vote of the legislature. The legislature of this province has been asked by one group - labor - to pass legislation which in the opinion of that group will give it greater power over those with whom it bargains. Labor bargains with the employers but increased wages are a part of costs and costs determine prices. The added costs will be passed





on to the consumer. It will fall in the end on the farmer - he pays."

I would like to say at this point I regret exceedingly we have not with us at these meetings representatives, strong representatives of agriculture because, no matter what happens in regard to these agreements, in the end the price will be passed down to the farmer, and it will be met by the men on the concessions and the sideroads back in the country.

MR. FURLONG: We have a good farmer on the committee.

THE WITNESS: Oh, but you also have representatives of labour here, have you not?

MR. FINKELMAN: No.

THE CHAIRMAN: We are all hard labourers.

THE WITNESS: I thought you all worked for a living.

THE CHAIRMAN: I have since I was fourteen years old, and I guess I will keep on. Everyone except Mr. Gardhouse is a labourer.

MR. GARDHOUSE: And I am the hardest workingman among us.

THE WITNESS: I would like to have seen the representatives of organized labour present their stories to the committee.

THE CHAIRMAN: We have had lots of them.

THE WITNESS: Of organized farmers?

THE CHAIRMAN: No; of labour, as you said.

THE WITNESS: Oh, labour.



"Wages Up - Farm Income Down"

I have here a table showing what has happened to farmer and labor. 1926 was a good year in Canada - good alike for labor, the farmer and others. It has been often taken as a base year, a starting point for our calculations. Here is the position. The agricultural income stood at \$728 million in 1926. By 1939 it was \$505 millions, down \$223 from 1926 - total wage and salary payments had risen in that period by \$152 million.

In the ten year period 1930 to 1939 the average net earnings of agriculture amounted to \$323 million - just 44.4% of the 1926 level. Labor in the ten year period had \$2.174 million or 91.6% of the 1926 level. Yet no committee sits to examine ways and means of legislative action to increase the reward of the farmer - again, for the things you do - he pays.

The 1926 level of earnings gave the farmer a fair living. The 1930-39 period cut this down by \$400 million a year - \$4 billion in the ten year period. It would need this vast sum to restore agriculture, put it on a sound basis, bring it up to something comparable to city standards. There is a market for the products of labor if only labor could see the need. What a magnificent gesture it would have been for labor to come forward and state the case to this committee somewhat as follows: 'A great producing segment of



the forces of production has fallen behind - something must be done for agriculture - labor should go to the rescue.' What a shock that would have been. Strange isn't it - a ship is struck by a torpedo - other ships take risks in picking up the crew. An industry goes under and another segment of the community passes by without even a wave of the hand. Instead it comes here hands outstretched singing in its grandest tones the great theme song of the nation more, more, more, more for us.

The members of the legislature are not blind. They see and analyse the economic forces which lie behind these things. In the interests of labor, a matter of vital importance, in the interests of agriculture and the general welfare of the province and the nation it cannot grant this demand for collective bargaining."

Q. Do you think it would hurt production in any other province of Canada where they have had collective bargaining legislation on the books?

A. This is the greatest manufacturing province in the Dominion of Canada. Its effect here would be more direct and any legislation which tends to increase the wage rate when it has already gone up from an index of 100 in 1913 to an index of over 200 today while farm prices remain at the point they were, taking the United States as a whole, or slightly lower, cannot be of advantage to the agricultural section of the country.





If I may add one other sentence to that statement, it is that the rate of mechanization has gone up much faster in industry than it has in agriculture, and the only method by which that could be altered would be to pass on the gains from production in industry in a lower price for the goods produced.

Q. Is it not lower prices and at the same time higher wages which create a greater demand for a commodity and also create a greater producing power? If you can increase wages and at the same time lower the cost of an article then you are really getting along economically?

A. Not unless you are passing it on to the consumers as a whole.

Q. If you lower a price on an article you are passing on something to the public? A. Yes, but if you maintain the price of the commodity and raise wages---

Q. If you lower the price of the article and at the same time increase wages then have you not an ideal state economically? A. If the gains are to be passed on to one section of the community as they are today, then you have the reverse of that situation.

Q. But is it not the old story that a little bit of substance, here, there, and the rest of it---

A. Yes.

Q. --and when the old craft unions organized and along came the assembly lines there were a great many industrial workers who were not craftsmen and they got the small end of the stick. They said "We are going to



organize and get a fair deal", and the bright man, the farseeing employer, said "All right, boys, probably we can get on a lot better if we sit down and talk about it." They do that, and there is a percentage who say. "I know more about my business than you or anyone else and I will be damned if I will have anybody sitting around and talking to me", and "You can all go where you want to go."

A. Do you not think it would be an efficient method in this matter to consider the whole economy? Here is one section of the country which is now getting 44% of what it did in 1936. Here is another which gets 91.6. I think of a legislative body, I think of the House of Commons, I think of the nation, and I do not believe that the nation wants that to happen. I had a letter two or three days ago from a manufacturer -- two of them, by the way, on the same day -- discussing the future, conditions after the war, and so on. One of them wrote:

"The essential thing, the first task, is the post-war problem of solving the problem of agriculture."

The next letter I opened read:

"The great problem is the consideration of the national dividend with a more equitable distribution."

THE CHAIRMAN: Q. Are the farmers not organized?

A. You cannot save the farmer by organizing because his market is determined by the prices of the world market. You face that problem as one of the



greatest tasks after the war, the expansion of trade and the development of markets for the farmer. I ask that consideration be given for this in such problems as arise here from time to time.

Q. The representatives of labour have not asked for an awful lot. All they ask, when you whittle it down, is really once they have established they have a majority in a certain industry and they elect representatives to meet the management that the management should be compelled to sit down and talk to them, not that if they do not come to an agreement the government is going to step in and make an agreement for them.

A. I listened to Mr. Roebuck yesterday, an old friend of mine -- I almost said "Arthur". Mr. Roebuck said, "One thing at a time and, when you have established this, go on to the civil servants." I listened today to the review of a bill which labour wants passed and I made my protest at the time. What I said is the same thing is what has been argued before this committee. since I have come here, that there has to be less of this spirit of bickering in regard to labour and in regard to capital. You have a wildcat on both sides, and they are the determining factor. They set up the point of friction instead of the point of contact.

Q. Do you think that because public opinion has reached the stage in England as a result of a lot of strife and turmoil over a long period of time it is taken for granted that there will be collective bargaining?

A. But, have they not collective





bargaining there?

Q. Public opinion has reached the stage where no manufacturer----

A. Progress in any country is the result of strife. Speaking of the gentleman who have come here and who expect the golden era tomorrow by parcel post, I do not expect it will ever come.

THE CHAIRMAN: No; I do not expect any one of us will sprout wings in this world.

MR. NEWLANDS: Speak for yourself.

THE CHAIRMAN: What they are really asking for apparently is some recognition of equality.

THE WITNESS: Well, let that grow as time goes on. It will grow.

I am always reminded of the story of the old Scotsman and his wife who were sitting beside the fire. They had been quarrelling. The cat and a dog were sitting or lying there enjoying themselves before the fire, and at last the old man said to his wife "Jeannie, why is it that we cannot live peacefully together when the cat and the dog can?" Jeannie replied, "Oh, you forget they are not tied together." You will soon reach the time when a man cannot work in a factory unless he is a member of a union.

THE CHAIRMAN: They are not asking for a closed shop, although one or two did.

MR. GADD: Q. May I ask what group you represent?

A. I am not a member of the House of Commons now.

THE CHAIRMAN: I understood Mr. Deachman to say he



is representing the consumers.

THE WITNESS: I am representing myself, purely, and not officially as a representative of the consumer. I am putting forward the claims of the consumer, and, of course, the claims of the farmer.

MR. GADD: Q. Are labour organizations not a part of that great consuming public?

A. Yes.

THE CHAIRMAN: Mr. Gadd, whom do you represent?

MR. GADD: I represent the organization of teamsters.

THE CHAIRMAN: Well, this committee will now adjourn until 7.30 this evening. Is that the correct time, Mr. Furlong?

MR. FURLONG: Or whatever time you see fit.

THE CHAIRMAN: 7.30 will be all right.

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---Whereupon, on the direction of the chairman, the committee adjourned at 6.00 p.m. until 7.30 p.m.

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TUESDAY, MARCH 16, 1943

EVENING SESSION

---On resuming at 7.30 p.m.

SUBMISSIONS OF ST. CATHARINES  
CITIZENS' DELEGATION

GEORGE GARE, Sworn.

MR. FURLONG: Q. You live in St. Catharines,  
Mr. Gare? A. I do.

Q. And whom do you represent?

A. A delegation of citizens elected at a conference called by the citizens of St. Catharines.

Q. I see them here. I presume these are the citizens, or some of them?

A. Some of the citizens, yes.

Q. Do you represent any union organizations?

A. The St. Catharines District Trades & Labour Council is represented here, members from various locals in the vicinity affiliated to the St. Catharines District Trades & Labour Council.

MR. PAT SULLIVAN: Mr. Chairman, there is one point I think the spokesman should make clear, that in St. Catharines we have what we call in the trade union movement a unity council, which is composed of C.I.O. and A. F. of L. unions. It is the only one we have in the country where they still sit together and work in harmony.

MR. FURLONG: I understand they have just started one in Windsor.





MR. SULLIVAN: They started one in Windsor two weeks ago, but this one has been running for some years.

WITNESS: "St. Catharines district is a powerful production unit. In this city, in Merriton Port Dalhousie and nearby Thorold there are 96 factories with approximately 20,000 workers.

"During the winter months many thousands of farmers, farmers sons and daughters and farm workers from the surrounding countryside, patriotically enter into industrial activities. 75 per cent of the production of these factories is war Production directly. All the production is of course of assistance to our country in this hour of crisis for our nation's independence and survival.

"The Union movement of our area is of long standing and tradition, Unions have existed here since 1880. The Trades and Labor Council was set up in 1904. There are to-day 35 union locals in our area with 9000 union members.

"The unions have been constructive. Since 1936 when the union took on added activity wages improved considerably. Health conditions were better looked into and taken care of. Civic consciousness was increased through union interest and education. Fraternal relations between the working people were fostered. The entire community was benefited by all this.

"To-day the union movement of this area is



"most anxious to take a greater share in advancing an all-out war effort. We have the machinery and the experience, the necessary forces and the desire to serve our country. But the absence of a Labor Bill protecting the workers right to organize and thus protecting the union of the workers choice from company hostility and attack has inevitably confined a large portion of union interest and energies to the daily struggle of defense and survival. Particularly is this true in the industrial sections of the union movement where the greatest contributions to war morale and war production could be made under more favourable conditions of union existence. An outstanding example is the case of the English Electric where a company union was built to smash the union and where the foremost union leaders and best workers left the industry to the detriment of production. But the union was patient to a fault and chose to be crushed out of existence rather than strike.

"This does not help the war effort. Discontent and friction are the sum total result rather than the co-operation and confidence so necessary for total war.

"A proper Collective Bargaining Bill would have ensured the latter result.

"The largest factory in our district and by far the most important war producer is McKinnons Limited (General Motors subsidiary). Nearly



"5000 workers in this industrial giant produce parts for tanks, planes and army vehicles, and other vital war material.

"The lack of a Labor Bill protecting the democratic rights of Canadian workers to organize into the union of their choice expressed its self in the last strike.

"The authorities and the public are acquainted with the fact that this most vital war industry in our area was shut down for 17 days in September 1941 with a consequent loss of 60,000 man power days.

"What the public is not aware of however is that this strike is traceable to the lack of a Labor Bill in our Province."

THE CHAIRMAN: Just there, may I interrupt and ask if there have been any strikes in the United States during this period?

A. I believe so.

Q. They have a labour bill there, have they not, the Wagner Bill?

A. True.

Q. Do you think the statement is absolutely correct when you say that a collective bargaining bill here would stop strikes instantly?

A. In the case of the McKinnon strike I believe it would have stopped it.

Q. I merely point that out. That is your brief - that is your opinion but you will agree with me that in spite of the Wagner Act in the States there





have been quite a large number of strikes there?

A. I believe when I proceed with the brief I will uncover some evidence that will have a greater bearing on the McKinnon strike I mentioned in 1941.

Q. Your submission is that a collective bargaining bill will end strikes in Ontario?

A. It will go a long ways towards ending strikes. I would not say we will have no industrial strife at all, but it will certainly lessen it.

Q. If we could get some bill that would, we would all be happy.

A. That is what we are all working for.

"The McKinnons management and Mr. Wecker general superintendent at the time were influenced by the notorious 'Colonel Carmichael,' whose real name is ( ) but who operates under many aliases including that of the 'Digger' and is well known as a type of super labor-spy.

"What has the absence of a Labor Bill on Collective Bargaining to do with this?- Simply this;

"Basing itself on the assurances of said 'Colonel Carmichael' that he could smash the union by a policy of stirring up friction between non English-speaking and English speaking brothers in the U.A.W.A. union local, plus building a large secret organization inside the plant with the help of the company and its favored employees, he encouraged the company to



"take an intransigent attitude toward the union with which it had a collective bargaining agreement."

THE CHAIRMAN: How do you know that?

A. We have evidence here to support that, Mr. Chairman. We have affidavits attached to your copy of the brief.

Q. This is the first time we have heard of Colonel Carmichael.

A. You will probably hear more of him before the evening is over.

"It was this stubbornly hostile attitude on the part of the company that eventually forced the unfortunate strike of the 4000 employees of McKinnons.

"A proper Labor Bill in our province would have eliminated the possibility of the company being interested in such doubtful and harmful adventures against the union. Nor is the raising of this matter simply a question of past history. It is very timely, indeed, for at this very moment the union and the management of McKinnons are in the midst of negotiations. The negotiations are somehow very, very slow and it is disturbing to note that 'Colonel' Carmichael has been operating again in our area during the last few weeks.

"A proper Labor Bill in our Province would put out of a job the nefarious activities of 'Colonel' Carmichael and his ilk.



"A proper Labor Bill in our province along the lines of that proposed to your committee by the T & L Congress and C.C.L. spokesmen would make it possible for the union in McKinnons and every other union in our city and vicinity to devote its time to improving war morale and war production instead of concentrating on a fight for the organizations life.

"All union members and the vast majority of the citizens of St. Catharines and district therefore appeal to the provincial parliament to enact such a Collective Bargaining Bill at this session so we can get on with the war effort."

Mr. Chairman, if I may, I would like to call upon an employee of the McKinnon Industries, a man who was an employee at the time of the McKinnon strike in 1941, and who has signed one of the affidavits that I have presented here tonight.

---Reporter's Note: (For the sake of the record, the following is a copy of the two affidavits attached to the above brief.)

"I, Donald Schoures hereby testify to efforts by one known to me as Digger in attempting to form a secret organization of employees of the McKinnon Industries Limited, St. Catharines.

"Early in September, 1941, I was approached by a group leader in the plant, Arthur Othen, and requested if I wished to attend a meeting on government business.





"I was taken to a meeting of other McKinnon Group leaders and employees of the Company, employees who had attended upon the invitation of various group leaders. The person known as Digger but has been identified as one Colonel Carmichael was the leader and principle speaker. The people present at the meeting were informed by Digger that they were there to combat any forms of sabotage. In his speech the speaker advised all present to watch the McKinnon employees of foreign extraction while in the plant for possible sabotage by them.

"The Digger stated he was in favour of union but that Local 199 UAW-CIO was dominated by foreign born people and the leaders of the union would be guilty of sabotage if strike action took place at the McKinnon plant. He requested all members of his organization the Inner Circle Counter-Sabotage Committee to keep the wheels of industry turning whatever the cost. Included in the membership of the Inner Circle Counter Sabotage Committee were members of Local 199 UAW-CIO. Statements made by Digger at this meeting proved he was in receipt of decisions made at union meetings. He condemned the union in the taking of the strike ballot declaring it was not properly conducted, members being forced to vote in favour of strike action which was untrue. He further declared any strike action would be



"illegal which was untrue.

"Throughout the meeting he dwelt on the functions of the union which he criticized, rather than forms of sabotage the organization he had set up was supposed to discuss.

"In my opinion the Inner Circle Counter-Sabotage Committee was set up as an anti-union organization rather than an anti-sabotage group.

(Sgd) "Donald E. Schoures."

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"March 15th, 1943.

"It was common knowledge of the Executive of Local 199 UAW-CIO previous to the McKinnon strike that a secret organization had been formed of McKinnon employees. This secret organization we learned during the strike was known as the Inner Circle Counter-Sabotage Committee. The organization was formed by a man known in St. Catharines by the names of Colonel Carmicheal and 'the Digger.'

"Through investigation by Mr. Donald Schoures and myself we learned the names of many of the members of this organization which had as leaders foremen of the McKinnon Industries and group leaders of that plant. There were also members of the Inner Circle Counter-Sabotage Committee who were members of Local 199 UAW-CIO.

"There was also a unit of this secret



"organization operating in the Hayes Steel Products Limited, Merritton, in which were enrolled some of the Executive Officers of Local 676 UAW-CIO.

"From information gathered by Mr. Donald Schoures and myself we learned this secret organization were given talks by Colonel Carmicheal on ways and means of countering sabotage within war industries in the beginning but later the talks became attacks against the Unions in McKinnon Industries Limited and Hayes Steel Products Limited.

"During the McKinnon strike, Local 199 UAW-CIO suspected trouble would be caused in the picket lines by the I.C.C.S.C. and information regarding the activities of Colonel Carmicheal were reported to Inspector Kemp of the R.C.M.P. who was in charge of the police officers during the strike. From our information it was decided R.C.M.P. Officer Bela would be detailed to investigate the activities of Colonel Carmicheal. This was done.

"Mr. George Burt, Regional Director of the UAW-CIO, met this Colonel Carmicheal in St. Catharines during the strike and recognized him as a man who went under the name of Martin in the Windsor area.

"It was from the I.C.C.S.C. that the back to work movement of the McKinnon strike was formed.





"Leaders of this movement were members of the I.C.C.S.C.

"In my opinion this Colonel Carmicheal through his organization did much to lengthen the time of the McKinnon strike because of the opportunity presented to the McKinnon Management of breaking Local 199 UAW-CIO completely.

(Sgd) "Fred G. Steeve."

78

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THE CHAIRMAN: Mr. Habel points out to me quite properly that it could hardly be the same man. In the brief submitted by the Ontario Communist Labour Total War Committee this morning, on page 5, it says:

"In general it must be admitted that the workers of Ontario, led and influenced by the organized labour movement, have met the tests and demands of the war in a manner which testifies to their patriotism, fairness and perseverance. None other than H.J. Carmichael, Coordinator of Production of the Federal Department of Munitions and Supplies, has said:" then he paid great tribute to Canadian labour.

That is not the same Carmichael?

WITNESS: I had that drawn to my attention when I sat down. The Minister of Labour mentioned it to me. He thought I should make it quite clear. We refer to Colonel Carmichael, or whoever this man might be. In the affidavit we are presenting on this question you



will notice he also goes under the name of Martin in Windsor. It is not H.J. Carmichael who was at one time vice-president of the McKinnon Industries and General Motors.

THE CHAIRMAN: Has this man been injured that you are talking about, lost a leg or something?

A. Yes.

MR. HABEL: You say he goes under the name of Martin?

A VOICE FROM THE AUDIENCE: He went under the name of Martin when he was in Windsor.

ANOTHER VOICE: He went under another name in Nova Scotia.

THE CHAIRMAN: At any rate, it is not the same Carmichael.

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FRED STEEVE, Sworn.

WITNESS: I would like to elaborate on Colonel Carmichael. I understand he came into the St. Catharines area quite a while before the strike.

THE CHAIRMAN: Did you ever meet him?

A. I have met him. I wouldn't say I met him face to face but I have seen him very often. During the strike I met him three or four times, not personally. I have met him in the same store as myself. I knew who he was.

Q. How did you know who he was?

A. I had him pointed out to me by a man who was



at one time at one of the meetings conducted by him, a fellow by the name of Don Schoures. He also signed an affidavit. This Colonel Carmichael set up three what he called plant units; this was a secret organization that went under the name of the Inner Circle Counter-Sabotage Committee. He issued cards to the employees which had a crest like the Canadian crest. He set up these so-called plant units, one at the Cyanamid, one at the Hayes Steel, and one at McKinnon's, and at the beginning, from what I can gather from different men who had been members, he had started off with an anti-sabotage campaign, and they were pledged to go to work a little earlier and stay a little after five o'clock to see there was no sabotage in the plant. He gradually swung over to an anti-foreign-element, should I say, attitude. He told the fellows that were members of the committee that they should watch the foreign-born workers; that they were the ones who were the Quislings and the fifth columnists, and they were the ones (the Inner Circle) responsible for putting signs throughout St. Catharines and in the plants reading, "We are at war. Speak English only." And certain of the union members tore those signs down in the plants.

THE CHAIRMAN: You think he was against the Chinese and the Americans and the Russians?

A. No. He was against mainly what he considered the Central European people.

Q. Not against the Norwegians or Dutch?





A. No, he just said the foreign-born workers.

MR. HABEL: In what year was that?

A. That was in 1941.

Q. Early in 1941?

A. No, it would be in the summer of 1941, June and July, while the strike was on, or before the strike was on. We knew this secret organization was formed, and it was not till the day before the strike happened in September that I was asked to go out to see a meeting that was being held at what was called the Griffith Farm just outside of St. Catharines. There was approximately 150 to 200 men at this meeting. These were members of the so-called Inner Circle Counter-Sabotage Committee. From what I have learned from Don Schouren and other members of the Committee, some of whom were union members, the night before the strike happened he came out with a very anti-union attitude, and some of the men who were union members stepped forward, and there was quite an argument on it. Anybody who showed in any way they were against the so-called Inner Circle were never invited back to the meeting. I gathered later there was originally 100 members of this organization, many of which were group leaders and foremen of McKinnon Industries. I have the names in my pocket here that were taken down during the McKinnon strike. They were pledged to get 15 members apiece who would be pledged to go in to work regardless of strike action or under any circumstances. In my opinion this man was working in the area considerably before the



McKinnon strike, and was largely responsible for the attitude of the management on the question of the demands of the workers at that time through our local. It was also our understanding, or our belief, that this man was largely responsible for the strike going as long as it did.

We realized these members he had in his organization were meeting throughout the strike, and we were afraid that the picket lines, which had been very peaceful, might be broken by members of the Inner Circle Counter-Sabotage Committee. It was with this idea in mind that Bob Steacy, who was the international representative at that time, myself and Don Schoures contacted Inspector Kemp of the R.C.M.P. and had a talk with him and two of his officers, and outlined to them just what we knew about Colonel Carmichael. We pointed out the strike had been peaceful, and as far as we were concerned it would continue to be so, but we were afraid Colonel Carmichael and his organization might cause trouble. Inspector Kemp detailed Mr. Bela, an R.C.M.P. officer at the Falls, to trail this man and see what he could find out about him. In the meantime, George Burt, Regional Director of the UAW, along with Jim Smith, came to St. Catharines. When I began telling them about Colonel Carmichael they were interested, and when I described him they pointed out he was a lot like a certain individual who had appeared down in Windsor going under the name of George Martin. He told them he was interested in the



members of the UAW who had been discharged after a small strike in the Chrysler plant in Windsor. There was about 64 men fired at that time. George Burt was interested. We went to see Bela of the R.C.M.P. We talked it over with him, and he agreed to have this Colonel Carmichael in the Crystal Restaurant in St. Catharines at a certain time, at which time George Burt would appear and see if he recognized the man as Martin. George Burt walked in - I was a short distance behind him, because I realized Carmichael knew me - he walked past and stopped and spoke to Carmichael, as we knew him in St. Catharines, as Mr. Martin. He admitted to the name of Martin with Bela sitting there. He told George Burt he thought he could be a big help to him in settling the McKinnon strike.

As time went on we decided we should expose this person, and we decided we would try and get a picture of him. He was to meet George Burt at a certain time and discuss the particulars in Niagara Falls at the General Brock Hotel. The understanding was that two other fellows and myself were to try and get a good picture of this Colonel Carmichael. However, he was a lot smarter than we thought he was, and we never did get a picture of Colonel Carmichael.

THE CHAIRMAN: You can get one now, can you not?

A. No, I have not seen him recently. We do know this, that Carmichael formed those groups; he started off with the idea of anti-sabotage and ended





up as anti-union.

We believe that a proper collective bargaining bill would prevent such a person as Colonel Carmichael or Major Kay, or George Martin, whatever name he went under - I used to have them all; we knew about four names he went under. The peculiar part to me was, he was well known to the police and nothing was done. I would say at the meetings, particularly with the McKinnon group that were held at the Griffith Farm, he used to have beer, wine, liquor and a big feed for them at every meeting.

THE CHAIRMAN: And a big attendance.

A. And a big attendance. This was known. Don Schoures, the other fellow who signed the affidavit, also went to the city police in St. Catharines and reported this man to them, and as far as I know, no effort was made to pick the man up on the question of going under two or three different names.

THE CHAIRMAN: That is not a crime.

A. We could not understand ourselves why it should be that a man such as Carmichael could go to the Windsor, stick his nose in union affairs; come into St. Catharines and form some organizations, without anything being done about it.

THE CHAIRMAN: They would have to have some charge against him under the Code to pick him up.

A. Isn't it illegal for a man to go under an assumed name?

THE CHAIRMAN: We hope that day never arrives.



You can use whatever name you like.

MR. PAT SULLIVAN: I would like to ask the witness, did he ever know this Colonel Carmichael to go under the title of M.D. when he was up in this part of the Peninsula?

WITNESS: The names I have heard him mentioned under are Colonel Carmichael, the Digger - he claimed to be a secret service operative years ago. He could spin quite a yarn, by the way. He let on he was an Australian by birth. I also understand he went under the name of Major Kay one time. I believe that he is in nationality a Russian Jew. I believe that is where he comes from originally.

MR. PAT SULLIVAN: The reason why I asked that; I met Colonel Carmichael in Nova Scotia in 1939. He called me up as a very humanitarian person when we had a strike, and he was registered in the hotel as Dr. Michael, M.D. He was posing as a doctor who was not practising, and I am given to understand it is the same party.

WITNESS: I have here a list of names, I would like to have it back, it is the only list I have, of men who, if they were not members of this Inner Circle Counter-Sabotage Committee, at least attended meetings.

THE CHAIRMAN: I do not think you need to stress that Colonel Carmichael matter now. We have information coming to us sometimes too. I think we know Colonel Carmichael.

MR. GARE (Preceding witness): Mr. Chairman, we



have two affidavits to substantiate any claims we have made in our brief. Unless there are any questions the Committee wish to ask, we will table our brief and the affidavits, and you can get on with your next delegation. We do not wish to take up too much time. Your legal counsel has informed me you have a great many appointments before you between now and when you conclude your hearings. We do not want to waste time. We only want to impress upon you the need for collective bargaining, and how it will do away with such people as this man Carmichael and give the workers an opportunity to express themselves through an organization of their own choice.

THE CHAIRMAN: You are negotiating now?

MR. GARE: Yes. There are negotiations being carried on <sup>in</sup> McKinnon Industries, although I am not an employee and a member of the Automobile Workers Union.

THE CHAIRMAN: Negotiations between the CIO and McKinnon Industries.

MR. THOMAS DEALY (St. Catharines Delegation): Mr. Chairman, I happen to be one of the officers of the Trades & Labour Council of St. Catharines. Yesterday you had a gentleman come here, a lawyer named Keogh from St. Catharines, who claimed that he represented 30 plants and 25,000 workers.

THE CHAIRMAN: Employing 25,000 workers.

MR. DEALY: Employing 25,000 workers. And the title of that organization was Industrial Relations Institute. We never heard of anything like that.





That must be one of these over-night outfits.

THE CHAIRMAN: We had not heard of it either, Mr. Dealy, but he explained it was a combination of these 30 corporations who had formed a non-profit sharing company under the laws of the Province of Ontario. It was a banding together by way of a corporation of the thirty odd manufacturers down in that district.

MR. DEALY: In one plant?

THE CHAIRMAN: No, into a corporation.

MR. DEALY: Anyway, we take exception to that item because we thought it might influence this Committee.

THE CHAIRMAN: Oh, no. He was representing the employers, not the employees.

MR. DEALY: Anyway, the brief has been presented from the Trades & Labour Council. I would say when this Bill did not come before the Legislature, as we had hoped, we felt a little disappointed, to say the least.

THE CHAIRMAN: It was said it would come before this session of the Legislature, but it was not said when.

MR. DEALY: It did not go in as a bill. This Committee was formed to inquire into this question. Since reading the evidence presented at these meetings I must say I am glad it did not come before the House before these meetings were held, for this reason: this Committee has heard evidence that proves the



need for this bill, that we do need it. It has been argued, "What would become of the free worker, the worker who did not want to join a union?" I would point out that the people who said years ago, when they were asked to pay taxes for education, "What is the good of it? I have no children. Why should I pay taxes for those who have?" - where would we be today if these children were not educated? That was put into the statutes of our country and we are now reaping the benefit by better living. We believe that if this bill goes before the Legislature it will prove as time goes on to be one of the finest pieces of legislation that went through this country.

THE CHAIRMAN: When you say this bill -- ?

MR. DEALY: This collective bargaining act. This Committee has had a good deal of evidence brought before it, but this Committee is not the Legislature. I have no doubt this Committee is an impartial one and will bring in a favourable report, but will the Legislature bring in favourable action?

THE CHAIRMAN: If they do not do what we ask, why, we will resign. If we could get some infallible individual to draft a bill that would satisfy everybody it would take a load off our minds.

MR. RICHARD JACKSON (St. Catharines Delegation): We in the Pulp and Paper industry in the Niagara District are very interested in keeping what we have. We have collective bargaining and have had it for thirty years, almost thirty.



THE CHAIRMAN: Who are "we"?

MR. JACKSON: The pulp and paper industries. I represent Local 84 of the Ontario Paper Mill, a place where once a year we meet together, discuss our problems around a table. On the first of next month I expect to come before them and sign again for another year.

THE CHAIRMAN: What union is that?

MR. JACKSON: The pulp and paper industries - the International Pulp & Sulphite Union.

MR. NEWLANDS: Is that a shop union?

MR. JACKSON: No, international.

THE CHAIRMAN: We have heard some good representatives from that union.

MR. JACKSON: We do not want to lose what we have, but we want it spread around to the others who have not got it. Believe me, gentlemen, if anyone tries to take away from us what we have fought hard for, we will stand up and fight. We are not going to lie down to it. I will not take up your time, gentlemen, but I assure you we are in sympathy with all the unions throughout the Niagara district, and we want them to be the same as we are, - decent citizens, meeting our management and working co-operatively together for the benefit of our industry and our country as a whole.

MR. ANDERSON: We had your Mr. Stevens here a day or so ago.

MR. JACKSON: That is enough.

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NEWSPAPER GUILDA.A. McLEOD, Sworn.

MR. FURLONG: Q. Mr. McLeod, where do you live?

A. I live in "Holy" Toronto, sir.

Q. What is your position? A. I am a  
journalist by profession.

Q. What do you do now? A. I write.

Q. At the present time? A. Yes.

Q. For what paper? A. For the labour  
press.

Q. You are of the Newspaper Guild?

A. That is right. I am a member of the Newspaper Guild, which is an international organization affiliated with the Congress of Industrial Organizations and the Canadian Congress of Labour, and has upwards of 18,000 members.

Q. Is that a weekly or monthly? A. Which?

Q. The Guild? A. No, it is an organization.

Q. It is a union? A. It is a union,  
that is right.

Q. You have a statement you want to make?

A. Yes.

Q. You have been here all through the hearings.  
I have seen you here. A. That is right.

Q. I take it you have heard everything that was  
said? A. That is right. Now I would like you

to hear everything I have to say.



THE CHAIRMAN: No doubt you will get a good press.

WITNESS: I am not so sure of that.

Mr. Chairman and gentlemen, first of all, having sat through these long sessions for the last two weeks, I feel that the first thing I should say is to express my deep appreciation as a Canadian citizen to this Committee for the very fair way in which it has met all the various delegations that have appeared before it. I do not need to remind you that some rather dire predictions were made about this Committee. Someone even went so far as to say that it would be a repetition of the Dies Committee in the United States. I think there are a lot of people in the United States, Mr. Chairman, who would gladly exchange you for Mr. Dies.

THE CHAIRMAN: I do not want his place.

WITNESS: I have felt that the sittings of this Committee in a very real sense represent democracy at its best, and regardless of what may happen in the end, no one who has appeared here will be able to say that he did not get a fair hearing.

I would add, furthermore, that after this Committee completes its work you may find yourselves in the position of having to go to the people - that is, the Government you represent - and if you should not fare so well at the polls --

MR. NEWLANDS: Why do you say that?

A. I do not want to alarm you. I just want to



observe that all the members of this Committee would make admirable trade union organizers, and I can imagine Mr. Habel tackling a job of organizing the metal miners up in his constituency, and doing a very good job at it, after having profited by the experience he has had here listening to all these claims of the labour movement.

Now, Mr. Chairman, the subject matter before this Committee is not new, unfortunately. This whole question of collective bargaining has been discussed in this country for many years, and particularly during the past twenty-five years, because in the midst of the last war, towards the end of the last war, the Government of the day, confronted with a great deal of unrest, felt obliged to pass an order in council dated and enacted the 11th July, 1918, which reads in part as follows:

"That all employees have the right to organize in trade unions, and this right shall not be denied or interfered with in any manner whatsoever and through their chosen representatives should be permitted and encouraged to negotiate with employers concerning working conditions, rates of pay or other grievances."

That was on the 11th July, 1918.

Some exception was taken this morning to a statement that was made regarding a piece of legislation which was introduced in this war. The statement was made that it was a "pious platitude". I do not





consider that very offensive language. I am sure much more offensive language has been used in the Assembly upstairs. The fact of the matter is that twenty-five years ago the then Government recognized the right of working people in this country to organize in trade unions of their own choice.

Then, skipping a year, in 1919, the urgings of this order in council not having had any effect, we find a Royal Commission stating as follows:

"On the whole we believe the day has passed when any employer should deny his employees the right to organize. Employers claim that right for themselves and it is not denied by the workers. There seems to be no reason why the employer should deny like rights to those who are employed by him.

"Not only should employees be accorded the right of organizing, but the prudent employer will recognize such organization; and will deal with duly accredited representatives thereof in all matters relating to the interests of the employees, when it is sufficiently established to be fairly representative of them all."

That is a Royal Commission Report in 1919.

Then, as the Minister of Labour pointed out in his statement in the Assembly shortly after the House opened, the signatories to the Treaty of Versailles wrote these principles into that Treaty, providing as follows:



"First - The guiding principle that labour should not be regarded merely as a commodity or article of commerce.

"Second - The right of association, for all lawful purposes, by the employees as well as by the employers."

Then there is one other quotation I would like to put on the record - a statement made by the late Honourable Norman Rogers, formerly Minister of Labour, and, in my view, perhaps the best Minister of Labour that Canada ever had.

THE CHAIRMAN: I think we will have to strike that from the record.

WITNESS: I am speaking now in the Federal Government. I said one of the best. I did not realize you (Hon. Mr. Heenan) were here. He was a close second to you. This is what Mr. Rogers had to say:

"Whether the recognition of Unions is left to the discretion of employers or made obligatory by legislation there is no doubt that the organization of Unions will continue and their membership increase . . . In collective bargaining wage earners feel that sense of self-reliance and definite status which only voluntary action can give. These qualities are of great importance in any democratic country. In England it has long been recognized that the Union with established traditions of good faith



"in meeting its engagements is a bulwark of democratic institutions and a stabilizing influence in the economic organization of the state."

94 And so one might go on citing these very fine declarations regarding the right of workers to organize in unions of their own choice, and we might add to the list statements made by such organizations as the Canadian Manufacturers' Association and other economic bodies, but the end result of all this, Mr. Chairman and gentlemen, recalls some humorous lines running as follows:

"Mother may I go down to swim?

"Why, yes, my darling daughter.

"Hang your clothes on a hickory limb,

"But don't go near the water."

The recognition of these rights has not resulted in any effective legislation to make them binding on the employers of this country.

I would point out that there are a lot of rights in this country which are recognized, such as the right to cross the street; and when we put that right in the form of a statute we do not stop there; we immediately proceed to formulate regulations and laws, and to establish penalties to deal with people who would abuse that right. And I think that we have now reached the point where, having the experience of the past twenty-five years to guide us, we should really come to grips with this whole question and





settle it once and for all.

I think, Mr. Chairman, that there is very little that needs to be added to the submission made to this Committee by the Trades & Labour Congress of Canada, and the Canadian Congress of Labour. I think that these two briefs represent in a pretty full sense of the word what the working people, the organized working people in Canada, consider to be the elements that should enter into a piece of collective bargaining legislation. And I think that the Committee got off to a very good start in having placed before it the thirteen points of the Minister of Labour. I think that they were very carefully considered points, and I think if those thirteen points are taken, plus the elaboration of them as contained in the brief of the Trades & Labour Congress of Canada, and the Canadian Congress of Labour, that the Committee will have something pretty substantial to deal with.

I would stress particularly myself the first point, namely, Freedom of Association. This is something that any bill drafted would have to define in a most precise way. Secondly, the bill must certainly contain adequate machinery for determining the collective bargaining agency. Thirdly, I think that the bill must of necessity outlaw this thing known as a company union. I am not going to bring before you any more examples of company unions at work, except to make this observation --

THE CHAIRMAN: How do you mean outlaw it?



A. I mean to say the definition of "freedom of association" must be so precise as to rule out of collective bargaining machinery any unit which could be defined as a company dominated unit.

MR. ANDERSON: Would you want to rule out something like the Bell Telephone Company's plan?

A. No, I am not prepared to go into the merits of that, Mr. Chairman, because I think there is a difference of opinion on that question, as to whether or not the Bell Telephone unit is a company union. I was a little scared myself by the statement made here that the Bell Telephone Company pays travelling expenses of the representatives of this union, and a number of other statements that were made. It seems to me that brings it pretty close to the danger zone. But I would call your attention to the fact that the brief of the Trades & Labour Congress, and the Canadian Congress of Labour pointed out very clearly that both these organizations recognize the right of existence for unions which are not part of either, and I think that ought not to be overlooked. In my judgment, all company unions, all unions which fall within that category, are conceived in sin and born in iniquity. (Applause from the audience)

THE CHAIRMAN: It does not seem fair that people should dominate, coerce or bribe persons who are in positions weaker than their own, but the difficulty is in outlawing a bunch of men who are organized in that way. I do not know how you are going to outlaw



the men; whether prohibitions against employers resorting to those practices would not be the practical thing.

WITNESS: I do not think it is either necessary or desirable in any legislation which may come before this Provincial Parliament that you should name organizations that belong in the outlaw class. I think the first thing that has to be done is to define under the heading "Freedom of Association" what constitutes a genuine, legitimate trade union unit. I have in my hand here the collective bargaining agreement between the International Nickel Company and the United Copper and Nickel Workers. This agreement is dated the 9th November, 1942, and I would call the Committee's attention to an article which appeared in The Globe & Mail of this city, dated February 22, 1943. This is an article by Ken MacTaggart, who was one of the correspondents of that paper, and in the main it is an interview with the leader of this United Copper and Nickel Workers. He was asked the question as to whether or not this organization represented a majority of the members in that industry and he said, now "We have between three and four thousand workers. When we have a majority we will go to the management and request negotiations." And yet, Mr. Chairman and gentlemen, here is an agreement with the United Copper and Nickel Workers dated November 9, 1942, entered into by the company, and according to the statement of the official of the union, a minority of the employees.





I am not going to quote extensively from this. There are some twenty or more different articles in the agreement.

THE CHAIRMAN: There was not a copy of that filed?           A. I do not know. They are very hard to get, these things. I will be very glad to let you have this one. Every single section of this agreement ends with the words, "The decision rendered by the Vice-President and General Manager shall be final." Every single section, no doubt about that, repeated throughout the agreement.

THE CHAIRMAN: They could not put that in one clause at the end.           A. They might have done that, but they evidently felt it was so good that it would bear repetition. I was particularly struck by a section of this agreement at the end which says, and I want you to note the language:

"This agreement shall remain in full force and effect and be binding upon the parties hereto until the cessation of hostilities in the present war with Germany, either by Armistice or by Proclamation by His Majesty --"

I was curious to know just why it was that Armistice with Germany was the first thing that occurred to the minds of the framers of this agreement, and I can only express the hope that the wish was not father to the thought. In my judgment, there is absolutely no place in this country of ours for that sort of thing. (Applause)



While I appreciate the applause I want to make it quite clear that I did not bring the audience here.

THE CHAIRMAN: We have heard of that being done.

WITNESS: I am not guilty. You see, there is nothing to be said in defence of that. And I would make this additional point, that these people, like International Nickel and The Steel Company of Canada, when they come before the bar and plead their case, it is always on the basis of desiring to safeguard the security of their own employees, a very paternalistic attitude towards their own employees. But when The Steel Company of Canada set up a company union to drive the United Steelworkers of America out of that city they were not content with arguing with that particular union in the City of Hamilton, but they actually spent perhaps \$20,000 or more spreading their stuff the whole length and breadth of this country, and it was an attempt to undermine the prestige of unions in different parts of Canada that enjoyed perfectly amicable relations with the managements in their respective industries. For instance, it appeared in the Sydney Post-Record in Sydney, Nova Scotia, in a city where you have a steel plant with 4,000 employees, with an agreement, with union recognition and with a labour-management committee solving the problems of production - yet the Steel Company of Canada found it necessary to pay a few hundred dollars to insert an ad in that paper with no other object than to undermine the prestige of that organization



on a national scale. It seems to me, whether it is a delicate problem for you or not, the Committee in any recommendations that it makes to Parliament will have to take cognizance of the existence of that type of organization. It is a denial and a negation of the whole principle of collective bargaining.

Then I think, of course, that the legislation must contain adequate penalties for those who are guilty of infractions. Mr. Furlong, I am sure, will know just how strict those penalties ought to be.

MR. FURLONG: I might take a look at the old O.T.A.

THE CHAIRMAN: There is not enough money in the country to pay those fines now, is there?

WITNESS: The Chairman has pointed out not once but many times that neither the Canadian Congress of Labour nor the Trades & Labour Congress have asked for the closed shop or the check off, and in that he is quite correct. There are people in the labour movement who insist on the closed shop. There are others who insist on the check-off. I think the Trades & Labour Congress of Canada and the Canadian Congress of Labour take the position, "Seek ye first the Kingdom of Heaven, and all these things shall be added unto you." Or put another way, "I do not ask to see the distant scene; one step enough for me." Give us legislation that will protect the principle, and then once that is clearly established, and labour and management learn how to discuss their problems around





a table, if they get to the stage where management and the union are able to agree on the closed shop and the check off, that is perfectly all right. I do not think the bill needs to outlaw that procedure. For my own part, I have little to say in defence of the check off, because I think it is likely to lead to the disease of bureaucracy. I have seen unions go down and the morale of unions suffer as the result of a cheque being put in the hands of the treasurer of a union each week and each month.

THE CHAIRMAN: You probably heard one man ask me what argument I could give, and that was the first argument I advanced. A. I do not think it is anything worth fighting for just now.

Now, the Canadian Manufacturers' Association told this Committee that in drafting this legislation they should keep particularly in mind the British experience. I have no fault to find with the counsel, and I would like to make one or two observations about British practice. The first is that trade union activity in Britain is protected by both British law and British custom. Freedom for trade union activity was granted by an Act introduced, if you please, by a Conservative Government in 1875, and I am sure you do not want to lag behind them after seventy-five years. Second: trade unions cannot be incorporated in Britain and are not compelled to register with the authorities. Thirdly: there is no compulsory arbitration in Britain in peacetime. Although the decisions of the Govern-



ment's industrial court are not legally binding, they are rarely rejected by either side.

I mention these things, not because they have not been mentioned before, but I think they will bear repeating.

Now, Mr. Chairman and gentlemen, before I sit down I want to add this additional word. In my judgment, collective bargaining is something more than providing the mechanics whereby labour and management agree to sit down and discuss a contract. It belongs on a much higher level than that. A few days ago the Federal Minister of Labour told the Commons that up to now 631 labour-management production committees, involving 328,000 workers, have been set up in this country. 322 of these labour-management production committees are in the Province of Ontario. I tried to get from the Minister of Labour some more detailed information about these figures having this in mind: to what extent is the trade union movement responsible for the establishment of these committees; and while he was unable to give me the information in detail he did admit that in the vast majority of cases this higher form of collaboration between labour and management exists in these plants where a union agreement exists. It is I think a well known fact that the fight, the organized battle for labour-management production committees was launched by the trade union movement of this country, and not by management.

THE CHAIRMAN: There were some managements that



initiated it.           A. I think you will find it is a matter of fact that the campaign for labour-management production committees emanated from the organized trade union movement. I believe it was first put forward in this country by Mr. Tom Moore, the President of the Trades & Labour Congress, and later followed by A.R. Mosher of the Canadian Congress of Labour. This, in my judgment, represents the highest form of collective bargaining because it goes far beyond mere questions of hours, conditions and wages, and actually deals with the problem of turning out the weapons of war in Canada's war industries. I think it is a significant fact that the trade union movement should have played such a large part in this country in establishing that kind of intimate association between management and the workers. Certainly, in England it has been a tremendous factor in enabling the British people to turn out vast quantities of arms not only for themselves but for their allies. The same thing is true in the United States where labour-management committees now are recognized by the administration in Washington, who send out not one but dozens of official representatives of the Government to plants to speed up the process of establishing these committees. I was glad to see the other day that the Dominion Government in Ottawa had set up a committee to take on the job of extending these committees throughout the whole of Canadian war industry, and in that task this committee will certainly





be assured of the wholehearted support of the Trades & Labour Congress and the Canadian Congress of Labour.

Someone said here today - I have forgotten who it was now, so many people spoke - that the thing we have to face as Canadians is that this job we have undertaken is still an unfinished task. The war, in my judgment, is rapidly reaching a very serious crisis. All one has to do is look at North Africa and the 1800 mile Russian front to see how powerful the German army still is, with perhaps four or five million men available to be drawn into battle. The hardest days lie ahead for this country. Very very great problems have to be solved, and we simply cannot, Mr. Chairman and gentlemen, afford the luxury of conflict between the workers in industry and their employers. We have to find some way of narrowing down or eliminating entirely the area of conflict between these two essential elements in the life of this country today. These two elements are going to organize. There are a few people in Canada who still believe it is possible during this war to swing over to some other kind of a social system. There are people who tell us, "You cannot win the war under the capitalist system." I think every sane person in this country today rejects that. Because, if we cannot win this war for national survival under the economic system that we have, then we will go down, because there is no possible chance, in my opinion, except at the risk of civil war, of changing over from one system



to the other. I think labour and management have got to take that into account, and I think it would be a splendid thing if the great economic organizations in this country, an organization of industrialists like the Canadian Manufacturers' Association, would understand that they cannot turn the clock back, as Mr. Rogers said. Regardless of whether or not we safeguard the rights of labour by legislation, there is nothing that can prevent the growth of trade unions. You cannot stop that. It is going to go on. Having paid lip service to the right of people to organize in unions and organizations of their own choice, and having seen how a small group of people have held out all these years, and taking into account the fact that this nation of ours is battling for its life today, and in a few months the Canadian press will be carrying long lists of casualties that will reach into thousands of Canadian homes, isn't it about time, Mr. Chairman and gentlemen, that democracy in this country intervened to deal with the recalcitrants in the same way that we deal with people who refuse to obey the rules, and who refuse to abide by the laws of this country? We have had to pass a great deal of legislation that has come down very heavily on the shoulders of people since this war began. We have such legislation as P.C. 7440, dealing with the freezing of wages. That legislation was water-tight and air-tight. It said what it meant, and meant what it said, and there was not very much that could be done about it.



Unfortunately, P.C. 2685 dealing with collective bargaining - that legislation did not say what it meant, and apparently did not mean what it said.

MR. HAGEY: Did not do what it said.

WITNESS: Did not do what it said, and I think this is something that the Committee has to bear in mind, that there is no use passing another pious declaration, because it won't satisfy anybody. The bold thing to do here, it seems to me, is to recognize once and for all that free citizens in a free democracy have the right to organize - from their inalienable rights they have a right to do that. They do not deny it to anybody else. And if before this legislation is drafted, The Trades & Labour Congress, the Canadian Congress of Labour, the Canadian Manufacturers' Association and the Board of Trade could agree on what should go into this legislation, then, Mr. Furlong, I think you would almost be out of a job.

MR. FURLONG: I would be home tomorrow night.

WITNESS: It is too bad we cannot have it that way.

My counsel or advice to the Committee, for what it is worth, is this: do not penalize this nation for the sake of a few people who simply cannot play the game.

Now, Mr. Chairman, I told Mr. Furlong I would finish in ten minutes, and he held me to it very strictly. I have gone over that, but I hope the little I have said has been a contribution.





MR. HABEL: You said at the start there, with the experience I have had here I might be a good organizer for the metal and mine workers. I hope you were not inferring that I have here at any time expressed myself against labour unions.

A. No, I was not putting you on the spot at all. I was just saying if you should not have a seat in Parliament you would have much more time to devote to the job.

MR. HABEL: I wanted to know for sure.

---EXHIBIT NO. 158: Collective bargaining agreement between the International Nickel Company of Canada and United Copper Nickel Workers.

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INTERNATIONAL ASSOCIATION OF MACHINISTS

ALEX. RAITH, Sworn.

MR. FURLONG: Mr. Raith, I take it you are a member of the International Association of Machinists?

A. Yes, sir, Grand Lodge Representative in Toronto.

Q. How many locals are there in this organization?

A. We have five listed here. We also have three railway locals and a shipyard local. There is nine locals altogether.

Q. Will you proceed with the reading of your brief please?



A. "SUBMISSION ON BEHALF  
of  
The International Association of Machinists  
to  
The Select Committee on Labour  
Appointed by  
The Legislative Assembly of Ontario.

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"Mr. Chairman and Members of the Committee:

"As a Grand Lodge Officer of the International Association of Machinists, the largest single union in Canada, highly organized in war industries, I present this Brief. This document represents the opinions generally, of many tens of thousands of workers in the Dominion. It represents particularly those workers in Ontario Aircraft, Railroads, Air Transport, Ship Building, Pulp and Paper Industries and arsenals.

"We do not wish to repeat tiresomely on the submissions of other unions. We merely endorse to the full, the Brief of the Trades and Labour Congress of Canada and its main points:

- (1) Collective bargaining legislation to make collective bargaining compulsory.
- (2) Provisions for determining the collective bargaining agency.
- (3) Specific provisions to outlaw company unions.
- (4) Specific provisions to outlaw yellow dog contracts.



"(5) No incorporation of trade unions.

(6) No provision for registration of trade unions.

(7) Imposition of penalties for violation of any  
of the rights given by the legislation.

(8) Provision for effective administration of  
the legislation.

"These in general we are certain represent the  
desires of the whole trade union movement.

"One of our main points in support of a genuine  
collective bargaining bill is that it will  
greatly facilitate the working of labour-  
management production committees.

"The International Association of Machinists has  
an enviable record. Ours is a policy of total  
production for total war. We have fathered and  
developed the labor-management production  
committee movement. Before it became the stated  
policy of the Dominion Government, we initiated  
the famous labor-management committees of  
Montreal. Our policy of no strikes for the  
duration has been eminently successful.

"Our militant labour organization fights the fight  
of democracy at home and abroad, for production,  
for adequate living standards, to defeat the most  
dangerous enemy of freedom -- the Nazi Fascists  
and their Axis.

"We realize this as a peoples' war, a war of  
National Liberation of the subjugated peoples  
of Nazi-dominated Europe. A war in which all





"classes, all sections of the people are equally threatened. Farmer, Worker, Employer, National Culture and Religion are together endangered, as the fate of France, Czecho-Slovakia, etc., has shown. This is why we champion labor-management production committees. This is why 'business as usual' attitudes must be removed from industrial relations. A genuine labour bill must go through that we may devote all our energies to the battle of production without having to battle for collective bargaining.

"Here are some typical achievements of our production committees. Some 15,000 aircraft workers in Montreal are in the labor-management movement. In one Montreal plant, the management complained that production of a certain article was limited by five man hours times those in an American plant. This American plant had similar labour force and facilities. The management agreed to a free hand for the union. Within a few weeks production was greater than the American plant.

"The manpower problem has been tackled realistically here. The personnel needed for 168 hour week operation of plants, is much greater than at present available. The transfer of workers from consumer industry -- with mass training of women and industrial workers, are all proposals of the Montreal aircraft workers. In some of



"those plants, supervisors courses and advanced apprenticeship schemes are underway.

"In the Province of Ontario we also have reason to be proud of our achievements. In the face of great difficulties, the International Association of Machinists is forging ahead on the production and living standard front. Again, Aircraft provides a notable example. One plant was the target of criticism almost daily in parliament for its lack of production of this vital war weapon. The employees tried for almost two years to organize into a trade union. After bargaining reached a deadlock and production began to sink a change of management was imperative. With a sane management, we now have union recognition. Morale reached a new high, and production increased by about two thousand percent.

"Or here is an example from Toronto, where a rift developed in management, resulting in dismissal of the general manager and chief engineer. The management completely lost the confidence of the employees, and morale went down. People threatened resignation, workers grew suspicious of production hold-ups and the International Association of Machinists had to appeal by leaflet for steadfastness on the job to head off chances of a wild-cat strike. The Union demanded government investigation of production, which resulted in a change of management; the company union resigned



"and turned grievance handling over to the union. Morale here is almost a product of the union. We have helped to build production and advance this plant in the production schedule of our government.

"More directly, we cite a case of difficulty due to a company union. In a Toronto plant, where company unionism is entrenched and vicious, our Labour-management struggle is very difficult. In the Briefs of our Montreal brothers, this is cited, too. We give you our record to show what we believe should be done on the production front.

"The Labour Bill must be a genuine one to free all union energy for the battle. The war is not yet won. We cannot allow the universally condemned inequalities of pre-war years to continue. The union shop, recognition of National Industries, National Agreements with national wage scales all play an important role in the maintenance of morale.

"When industrial relationships are equalized by compulsory collective bargaining, the most important provision of a genuine labour Bill, we shall be a modern nation. Then the courts will be able to protect both parties with equality. The workers do not ask paternal care. They disdain it. They only ask full citizenship.

"We have as yet made no mention of post-war reconstruction. If we are hamstrung in our war





"effort, there will be nothing to reconstruct.

We intend, and we know, that this shall not happen. Reasonable, amicable employer-employee relations are essential in this period. To heal the scars of the war, to solve the food problem, re-establish trade routes, to build shattered cities, will necessitate smooth-working employer-employee relations at home. For the base of this reconstruction, a new world of peace, plenty and freedom, industrial relations must be in accord.

"The threat to our national existence shall be removed only by out-producing the enemy in planes, tanks, ships and guns. Anything that delays victory by one day or year, is equally criminal. We submit that a genuine Labour Bill shall cut down the United Nations loss of life and the duration of the war. This bill will be a weapon -- a weapon made up of a decent war-time living standard with attendant high morale. No diversion of energy through lack of industrial teamwork must be permitted. Only the fullest co-operation of Labour-management committees made possible by the granting of real protection of the rights of labour, can insure the output of the ships, tanks, guns, planes and other material of war that victory demands.

"We are sensible of the extreme responsibility of this committee. We are cognizant also of our own



"responsibilities. We pledge to fulfil these responsibilities with honor."

Mr. Chairman and gentlemen, we kept that purposely short. We know you have been listening to these briefs for quite some time, and you have just about reached the point of saturation I suppose. We have tried to hold it down to specific instances of where good relationship in the plants between union and management has shown good results. We could have gone to a very great length in that brief and quoted dozens and dozens of cases, but we have held it down in order to make the brief short. A very noticeable incident we mentioned there, we have not gone into it very fully. That is where we mentioned a plant that for a matter of two or three years was the target for criticism in the Government in Ottawa for its lack of production. We fought for two years to get union recognition in that plant, and as we pointed out, when we had a sane manager put in who recognized our union, things started to hum. That plant a year ago was turning out 1, 1½ and 2 planes a week. It turned out 64 planes in the last three weeks, 25 in the last week.

We just quote these to bear out that when we have unions in these plants that co-operate with industry we can get out the production that is going to win the war. The earlier speaker made mention of setting up labour-management production committees. I believe the records will show it was our International Association of Machinists' lodge in Montreal, the union



that handles the aircraft workers, that inaugurated the labour-management committees in that city. We did so five months before the United States Government even thought of doing so.

THE CHAIRMAN: That is getting down to fundamentals, isn't it, when you get people together in the spirit of goodwill? Miracles almost are accomplished compared to what is accomplished when they are standing at arms' length.

A. That is quite true.

Although our first experience in Montreal was almost disastrous. The company took it the wrong way. When we stepped up their production they laid off our men, and we had a terrible job to keep those men from walking out, and a still bigger job to convince men in other plants this was workable.

THE CHAIRMAN: Do you mean the company did not want the production stepped up?

A. They wanted it stepped up but they wanted to keep their overhead down. When they got their production stepped up to what they thought the plant was capable of doing, 25 planes a week, they never tried to make 50 planes, they never tried to step the men up to make the additional - I am using wrong figures. We had a terrible job to convince our men in the other two aircraft plants in Montreal to go ahead with this scheme. The Fairchild plant had a plane production of 24 a month, and shortly after we inaugurated labour-management production methods they were getting 78 planes. It came to the time also when it looked as





though they had reached the peak of production, and had too many men producing - it looked like a lay-off. Our committee were successful, along with the management, in having the Government double their aircraft contract.

I am going to give you figures released, it is no longer a secret. The aircraft production for 1941, the Honourable Mr. Howe released the figures to the newspapers last year. The average for 1941 was 140 fighting planes a month. That takes in fighters, pursuit and bombers. The notable thing is that the plant we had best organized, that plant alone had a turnout of 72 planes for the smallest month in the year; 104 for the highest. The one really unionized plant turned out more aeroplanes than the other seven plants all together. I do not think you have to have much more than that.

111

THE CHAIRMAN: How about your numbers?

A. The numbers of employees were almost identical. The one plant had the same amount of employees as any of the other plants, the average amount.

MR. ANDERSON: Q. You mean they were working harder after their union was recognized?

A. It was simply a question of labour and management getting together, and a little more co-operation.

THE CHAIRMAN: Contentment.

A. Contentment. They had a wage scale five to ten cents an hour higher than some of the other plants,



but it paid the company good big dividends. They did it by classification of the employees, putting them in proper categories and valuating the jobs.

THE CHAIRMAN: If you increased production through increased efficiency and kept the price the same, you would not be raising wages at all.

A. A man might be getting a dollar or two more, but it would not be an increase in wages from the angle you are looking at it. It was just good business on the part of the company.

Q. Just good business on the part of the taxpayer who has to pay it.

A. We look forward to this Committee to bring in a law to make bargaining compulsory. If all manufacturers have to bargain with unions of the employees' choice, it simply means we have to educate a few manufacturers, even as we had to educate our men into doing more work, co-operating with the plan for more production. It was not an easy thing for us to do. A lot of our men took it as a bitter pill that they should have to turn out more. We had to educate them to that, and we did it through our agreements with the plant. I take it that this Committee in drafting a law would have to use that as an agreement to educate the manufacturers, the same as we educated our men by an agreement.

There is one other point why we say bargaining should be compulsory. The one plant I mentioned where we fought for two years to get a union, where the plant output this last two or three months has been



so high, over two thousand percent of an increase, and that is small potatoes; that management was quite willing to recognize and meet our union, they would meet us every day around the table, but when we came to pinning them down to sign a contract they told us very candidly, "No, we are keeping within any law there is. We will discuss any agreement with you, but we do not have to agree to anything." That is a very poor example. If we do not have a compulsory law it leaves it wide open for this to continue.

MR. HAGEY: How are you going to enforce it?

A. If I go into a store and steal they can enforce the law on me, put me in jail or fine me. If compulsory bargaining is a law the same thing can take effect.

THE CHAIRMAN: The same fellows you have just mentioned, who said they would not sign an agreement, they did sign an agreement, did they not?

A. No. The chief drawback to the agreement went to a better land, I hope.

Q. I see what you mean. You are not hoping he went to the other place. A. I would not want to wish that on anybody, even the hardboiled management or owner of a plant.

Q. Isn't that the whole business: if you get the men actuated by the right motives you haven't any trouble at all on either side? That is a difficulty I see for this whole Committee, trying to make decent, fair-minded people out of people who are not decent





and fair-minded.  
attempt at it.

A. We can make a very good

Q. You do not blame us if we do not entirely  
succeed then?

A. No, we still have ways left.

Q. There is the same body of men, the same  
employees, but you have a change in one man and the  
whole picture changes, does it not?

A. That is the whole thing in a nutshell. We  
had the change in the one man, but when the union got  
to the point that we were starting to get places, and  
he was starting to get production, he had the reins  
pulled on him too. Our union had to send a committee  
to Ottawa to ask for an investigation to bring about  
amicable relations between the manager and board of  
directors. You know the result; the Government took  
the plant over itself, and we signed an agreement with  
a Crown company, although we had reached the stage  
where we were going to sign an agreement with this  
company in any event. They had come down to that.  
But when the Crown took it over there was no argument  
about it. We were I believe the first union in Canada  
to sign an agreement with a Crown company.

Q. It is like the old story. They said there  
was never a poor Canadian battalion, but they did  
have an occasional poor Canadian commander.

A. We have one witness I would like to call on,  
Harry Clark. He is working in a plant that has been  
through these difficulties, and we have had to call  
in the Government to investigate to get more production.

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HARRY CLARK, Sworn.

MR. FURLONG: Q. Will you sit down and tell your story?

A. I will tell it very briefly, Mr. Chairman and gentlemen.

THE CHAIRMAN: Find out whom he is representing.

MR. FURLONG: Q. What company are you with?

A. I am with the Sutton-Horsley company of Leaside.

THE CHAIRMAN: What do they manufacture?

A. They make aircraft instruments, electrical aircraft instruments. By trade I am an instrument maker.

MR. FURLONG: Q. What union do you represent?

A. Local 1673, International Association of Machinists. I am an executive member of that local.

Q. Go right ahead. A. I have always been interested in scientific stuff. I come from that particular generation. When I went into that plant, due to my radio making, due to my general training of instrument making, I was very interested in electrical instruments.

THE CHAIRMAN: When was that?

A. That was about the last of the old year. I was in there for a short while and became a supervisor, not because of any particular outstanding ability, but because they needed people who would accept responsibility, and I had accepted it before. I also had the training and a certain amount of experience in instrument making. It was not very long till



I found a lot of stone walls and blind alleys. I could not get very far. I had a lot of ideas. I proposed them but somehow or other they never reached anybody. The great problem in an instrument plant, for instance, is cleanliness - things must be clean or the goods will not produce satisfactorily, there is a high percentage of scrap. Things went from bad to worse at that point, not extraordinarily worse, but kept on. Finally things blew up. There was an inner shift in the management. The president of the company who was also the general manager was fired as general manager by the board of directors. These are the official notices published from the bulletin boards. The Chief Engineer was also dismissed. Regardless of whether Mr. Horsley was an efficient manager or not, he had always had the confidence of his employees, and kept up not too badly on that account. They thought, in other words, he was not a bad fellow, and after the shift in management the morale went down. They were about to hold a company dance, one of those get-together businesses, and the thing disappeared in the air. Some of them felt so bad they would not even call it. That is a very minor thing. Some people quit. There was a wild-cat strike almost declared. People were arranging to quit in bodies and go elsewhere and get a job.

In that plant you could only suggest production to your foreman. Now there is a production system with awards, such as you have at the John Inglis company.





That had been promised by the company but somehow or other never appeared around through the plants in any great noticeability. Anyway, after this Government investigation, that was the first noticeable result, the award for suggestions.

We had to appeal to our office of the union. We sat in with them. We had to issue a leaflet calling upon the workers to hold steady on their jobs, that we would get better conditions, but in view of the importance of war production they must not leave their jobs - they must not up and just walk out, that we would get a Government investigation. Believe me, gentlemen, that had a lot to do with it. A letter was posted on the bulletin boards around the plant from Ralph E. Bell, Director of Aircraft Production, addressed to the Manager of Works in that plant. A lot of people did not pay much attention to that, and felt more antagonistic still because they thought this particular person was associated with the new majority on the board of directors who had displaced the former General Manager. It was actually our appeal to stand steadfast on the job that kept things from going to pot right there in a couple of weeks.

117

This investigation is over now. There is a Government controller in the plant. The official notice has been posted on the bulletin boards. There is an inner shift in the management, a new general manager was appointed. A protest was lodged and an



investigation demanded by the union, with the result there is a controller in the plant. That must prove something. We anticipate being able to up production in that plant, clean up some of these production difficulties. We anticipate a union shop there. There are some rather low wages in that plant. We would like to get them brought up. We would like to get equal pay for equal work.

I believe the previous speaker brought out the point that as long as living conditions have to be battled for, as long as union conditions have to be battled for we cannot devote our main attention to the problems of production. Believe me, even at our union meetings, we break away from the problems of wages and we discuss production at every one of our meetings. We are not asked to. It is purely voluntary, but it is in line with our union policy. We anticipate we can help the production of that plant with the new change in management. Before that we felt cut off from the confidence of the managerial staff. We felt we were in a blind alley, we could not get anywhere, our suggestions could get nowhere, we felt there was inefficiency between the departments, lack of coordination. Now we hope most of these will disappear. We hope to be able to produce enough instruments that all the aeroplanes that are finished, and as fast as they are finished, can be ferried across to do their job over there.

MR. ANDERSON: Is that a piece-work system?



A. No. There is no incentive bonus system either.

Q. You were talking a moment ago of materials being scrapped. Is that due to faulty design or faulty materials?

A. It is due to a number of things. We cannot necessarily establish it was due to faulty design. That was another complaint. We could not prove whether these instruments were made according to design or not. We were not trusted with that knowledge, of whether these things were in accordance with the blueprints. I have worked in different places where workers were trusted with the blueprints, not all the blueprints, just enough that they could be sure everything was going all right.

Q. Do you not work from blueprints?

A. Not at these assembly jobs. When a question comes up whether this piece of goods is made according to blueprint, we cannot prove whether it is or not because we have never seen the blueprint. We can maintain something is wrong with it, but how can we prove it? And there again that is why demands were made for a change in management.

MR. RAITH (Preceding witness): I do not think we have any other witnesses. I want to thank you for a patient hearing. Since we have a strong obligation to observe an eight hour day, we will close with that.

THE CHAIRMAN: Do not ever run for Parliament.

---Whereupon the Committee adjourned at 9.10 p.m. until 10.30 the following morning.









## INDEX TO CONTENTS

Communications .....	1326
Submission presented by the Rev. Garnet Lynd on behalf of East and West Toronto Presbyteries of the United Church of Canada .....	1369
Submission by Mr. Douglas A. Mutch, Consulting Mining Engineer, Haileybury .....	1372
Submission by Mr. Warren K. Cook on behalf of the Associated Clothing Manufacturers of Ontario .....	1387
Submission by Mr. Peter Dunlop on behalf of the Hamilton Labour Council, et al. ....	1394
Submission by J.S.D.Tory, K.C., on behalf of the Board of Trade of the City of Toronto, .....	1446
Submission by N.F.Parkinson, on behalf of the Ontario Mining Association, .....	1471
Canadian Congress of Labour, .....	1475
Submission by Elroy Robson, on behalf of The Canadian Congress of Labour, .....	1489
Submission of The Association of Professional Engineers of the Province of Ontario .....	1499
Submission of Ontario Milk Distribu- tors' Association .....	1502
Submission of Employees' Management Cooperative Plan of the Borden Company .....	1508



LIST OF WITNESSES

Lynd, Rev. G. W. ....	1362
Coburn, Rev. Dr. J. ....	1363
Bennett, J. ....	1365
McMurray, Rev. N. ....	1367
Mutch, D. A. ....	1372
Cook, W. K. ....	1387
Lawrence, S. ....	1393
Dunlop, P. ....	1394 1422
Walker, F. ....	1401
Hunter, H. ....	1416
Robertson, William,.....	1428
Lawrence, Samuel,.....	1435
Ready, A.,.....	1441
Tory, J.S.D., K.C.,.....	1446
Parkinson, N.F.,.....	1471
Laskin, B.,.....	1475
Robson, Elroy,.....	1480
Miller, W. C. ....	1499
Scott, P. Bruce ....	1502
Armstrong, J.B. ....	1508

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# LIST OF EXHIBITS

NO. 159	Letter dated Welland, March 13, 1943, from the Rev. Fern A.Sayles, to Mr.W.H.Furlong, enclosing affidavit by the Rev.Fern A.Sayles	1328
160	Communication dated March 13,1943, from Margaret Baker, Secretary, Dundas C.C.F.Club, Dundas,Ontario, to the Premier of Ontario .....	1331
161	Letter dated March 15, 1943, from James Preston, Vice-President, 13th District, International Association of Fire Fighters, to Mr.W.H.Furlong, enclosing resolution	1332
162	Memorandum re Collective Bargaining presented (by mail) by the Stratford District Trades and Labour Council, dated March 12, 1943 .....	1333
163	Letter dated March 15, 1943, from Bob Ward, Secretary, Joint Committee on Collective Bargaining, sponsored by A.F.of L. and C.C.L. Unions, Kingston, Ontario .....	1342
164	Letter dated March 12, 1943, from J. Sheddon, Recording Secretary, International Union of Mine, Mill and Smelter Workers, Local 637, I.U.M.M. & S.W., Port Colborne, Ontario .....	1346
165	Letter dated March 14, 1943, from Lawrence M. Clark, Recording Secretary, Lodge 383, I.A.of M. to the Premier of Ontario .....	1347
166	Letter dated March 15, 1943, from Mr. B.H.Cash, Jr. to the Committee	1348
167	Letter dated March 16, 1943, from T. Scott, Chairman, Toronto Structural Branch of Association of Technical Employees to the Premier of Ontario .....	1349
168	Letter dated March 16, 1943, from W.H.Dorland, City Clerk, Stratford, to the Premier of Ontario ...	1350



LIST OF EXHIBITS (2)

NO. 169	Letter dated March 12, 1943, from J. Sheddon, Recording Secretary, International Union of Mine, Mill and Smelter Workers, Local 637, I.U.M.M. & S.W., Port Colborne, to the Chairman of the Select Committee on Collective Bargaining	1350
170	Letter dated March 16, 1943, from Mr. D. B. Lawley, Chairman, Toronto Monthly Meeting of the Society of Friends, to the Chairman of the Committee on Collective Bargaining.....	1351
171	Letter dated March 6, 1943, from Messrs. Welsh and Arnett to the Chairman of the Committee on Collective Bargaining.....	1352
172	Letter dated March 16, 1943, from A.O.Thormahlen, Vice-President and Managing-Director of Sawyer-Massey Limited, Hamilton, to the Chairman of the Committee on Collective Bargaining.....	1353
173	Sample of petition by employees of the Aluminum Company of Canada and the Locomotive Company of Canada, Kingston, Ontario, to the Ontario Legislature.....	1360
174	Sample of petition by employees of York Arsenals Limited to the Provincial Government.....	1361
175	Letter dated February 3, 1943, from A.O.Thormahlen, Vice-President and Managing-Director, Sawyer-Massey Limited, Hamilton, to each employ of said company	1415
176	Letter from Pat Conroy to the Affiliated and Chartered Unions, Labour Councils and representatives of the Canadian Congress of Labour, and statement of contributions to the Kirkland Lake Strike Fund to March 31, 1942,.....	1479
177	Telegram, St. Thomas, Mar. 17, 1943, from J.O.Goodman, General Manager, The Automotive Transport Ass'n of Ontario, to W.H.Furlong, K.C., Counsel, Collective Bargaining Committee,.....	



LIST OF EXHIBITS (3)

NO. 178, Letter, Margaret I. Kinney,  
Executive Secretary, National  
Committee on Women in Industry,  
to Major J.H.Clark, Chairman,  
Select Committee on Collective  
Bargaining, Parliament Buildings,  
Toronto, Ontario, dated March 17,  
1943,.....

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---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P.	Windsor-Sandwich Riding
Chairman.	
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J.A.A.Habel, M.P.P.	Cochrane North Riding
Mr. H. L.Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F.R.Oliver, M.P.P.	Grey South Riding
Mr. J.P.Mackay, M.P.P.	Hamilton East Riding
Mr.T.P.Murray, M.P.P.	Renfrew South Riding.

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ELEVENTH DAY

In Committee Room No.1  
Parliament Buildings  
Toronto

Wednesday, March 17, 1943 at 10.30 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division)



---Mr. F. A. Brewin, Counsel for the United Steel Workers of America.

---Mr. J. A. Sullivan, vice-president of the Trades and Labour Congress of Canada, (A.F. of L.) and president of the Canadian Seamen's Union.

---Rev. Garnet W. Lynd, Chairman of Delegation from the West Toronto Presbytery and the East Toronto Presbytery of the United Church of Canada.

---Rev. Dr. John Coburn, Past-President of Toronto Conference, representing Toronto West Presbytery.

---Rev. Norman McMurray, Immediate Past President of Toronto East Presbytery, Pastor of Danforth United Church.

---Mr. Jacob Bennett, member of Windermere United Church.

---Mr. Douglas A. Mutch, Consulting Mining Engineer, Haileybury, Ontario.

---Mr. Warren K. Cook, representing the Associated Clothing Manufacturers of Ontario.

---Mr. Peter Dunlop, representing the Hamilton Labour Council and employees of Sawyer-Massey, Otis-Fensom, Steel of Canada, Hamilton Bridge, International Harvester, and others.

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#### MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: First I have some cards to hand in, Mr. Chairman.

Then I have a letter from Mr. Fern A. Sayles, dated March 13, 1943, enclosing an affidavit which I think should be extended into the record of these proceedings, and also these communications:



The Dundas C.C.F. Club

Resolution from the International Association of Fire Fighters.

A short brief from the Trades and Labour Council of Stratford, that I think should be extended into the record.

A resolution from the Joint Committee on Collective Bargaining sponsored by the A.F. of L. and C.C.L. Unions in Kingston.

A resolution from the International Union of Mine, Mill and Smelter Workers, Port Colborne.

A resolution from the International Association of Machinists, London.

A letter from B.H.Cash, Jr.

A letter from the Association of Technical Employees, Toronto Structural Branch.

A letter from the Stratford City Council.

THE CHAIRMAN: I have here a letter addressed to myself from Mr. J. Sheddon, recording secretary of the International Union of Mine, Mill and Smelter Workers, Port Colborne, Ontario, asking that the collective bargaining bill be passed.

Then I have a communication from the Toronto Monthly Meeting of the Society of Friends asking that the collective bargaining bill be passed.

Then a communication from Dr. H.E. Welsh, M.L.A., Hastings East and Mr. Richard D. Arnott, K.C., M.L.A., Hastings West, enclosing a resolution which I think should be extended in the record of the proceedings.





Then there is a letter from Mr. A.O.Thormahlen, Vice-president and Managing-director of Sawyer-Massey, Limited, repudiating the letter sent to this committee on the opening day by Mr. C. S. Jackson, which also had better be extended in the record of proceedings.

MR. FURLONG: I would like to file these petitions that have come in from the Aluminum Company of Canada and the Locomotive Company of Canada, Kingston.

Also a petition from the employees of York Arsenals, Limited.

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---EXHIBIT NO. 159: Letter dated Welland, March 13, 1943, from the Rev.Fern A.Sayles, to Mr.W.H.Furlong, enclosing affidavit by the Rev.Fern A.Sayles:

"387 River Road,  
Welland, Ontario,  
March 13th., 1943.

"Mr. W. H. Furlong,  
Counsel,  
Select Committee for Collective Bargaining Bill,  
Room 220, Parliament Buildings,  
Toronto, Ontario.

"Dear Mr. Furlong:-

"Enclosed please find an oath taken by me today in regard to the action of Mr. Davis, President of Atlas Steels Limited, in calling me by telephone at my home and making certain threats to me as spokesman of the Welland delegation which appeared before your Committee last Thursday.

"Mr. Anderson, M.L.A., of Welland, previously told me that the Select Committee constituted a Court, and if so I feel that in using this threat 'We may want to



'are 200 or 300 men' because of the oaths taken and presented to your Committee by C.I.O. union members, that Mr. Davis might be cited for contempt of court.

"At least two facts are clearly revealed by Mr. Davis' threat. He used intimidation and threatened discrimination against the men who took their oath as to what had happened as between The Atlas 'Independent' Union and themselves. His threat as the head of Atlas Steels Limited, to take action because some of the Atlas workers had presented oaths in regard to the Atlas 'Independent' Union, proves that he is vitally concerned and definitely connected with the affairs of the Atlas 'Independent' Union.

"I submit this letter and the enclosed oath to your Committee and ask that it be added to the brief and documents already presented by the Welland citizens and Union members delegation.

"Yours truly,

(sgd) "Fern A. Sayles,  
"Spokesman, Welland  
Citizens and Union Members  
Delegation."

---

AFFIDAVIT:

"March 13, 1943.

"I, Fern A. Sayles, swear the following statements to be the truth:

"(1) On March 11, 1943, I acted as spokesman for the Welland delegates on the Collective Bargaining Bill before the Select Committee.

"(2) On March 13, 1943, at 11.15 A.M. Mr. Davis,



President of the Atlas Steels, Ltd., telephoned my house. I was not in but Mrs. Sayles said that I would call back in about fifteen minutes.

"At 11.40 A.M. I called Mr. Davis. He said, 'I have been away and my work is piling up and I am trying to get caught up. I see you had a caravan down to Queen's Park. I want copies of those affidavits taken in regard to the Atlas Independent Union.' I said I would have to refer his request to the delegation for which I was spokesman and that if they decided to send him copies of the affidavits I would have no objection. He said, 'We have a legal right to copies of those affidavits. I am for the truth. I have the interests of Atlas employees at heart far more than the CIO has.'

"Mr. Davis would give me no chance to answer back but continued to dictate to me his position. He said, 'You had affidavits making charges against the Independent Union; that one man had been offered \$20. to join the Independent Union, also other affidavits'. He said, 'When a man takes an oath it is a serious thing. We want copies of those oaths because we may want to fire 200 or 300 men.'

"Here I got a chance to break in and I said, 'Mr. Davis, that is a threat against those men. That is a threat of the loss of their work, because they honestly acted as free men.' I said, 'Mr. Davis, you are putting yourself on record as threatening 200 or 300 men because oaths were taken against the actions of the Independent Union.' I said, 'Mr. Davis, why should





you be so concerned about the oaths regarding the Independent Union if you have no connection with the Independent Union? You are the head of the firm, Mr. Davis, and you threaten to fire 200 or 300 men because members of the CIO Union took oaths in regard to the actions of the Independent Union.'

"Mr. Davis apparently recognized that he had spoken too freely for he became flustered. Then he said, 'I have nothing to do with the Independent Union but I want copies of those oaths. We are going to take action and I have a legal right to them.' I said, 'I will refer your request to the delegates and if they decide that you should have a copy of the oaths they can send them to you.'

"Here our conversation ended.

(sgd) "Fern A. Sayles"

"Sworn before me  
at the city of Welland  
in the County of Welland  
on the 13th day of March, 1943.

(sgd) "J.H.Flett,  
"A commissioner."

---EXHIBIT NO. 160: Communication dated March 13, 1943,  
from Margaret Baker, Secretary,  
Dundas C.C.F. Club, Dundas, Ontario  
to the Premier of Ontario:

"DUNDAS C. C. F. CLUB  
Dundas, Ontario

"March 13, 1943.

"To the Honourable the Premier of Ontario:

"As Secretary of the Dundas C.C.F. Club, I have  
been requested to send you the following appeal.

"We, the members of the Dundas C.C.F. Club, wish



to impress upon you the urgent necessity of the immediate passage of a Democratic Collective Bargaining Bill.

"We maintain that such a bill will promote unity of labor and management in our Ontario industries so necessary at this most critical period of our country's history.

"Unity of labour and management will increase the flow of materials to our armed forces and thus hasten the victory of the Allied Nations over the forces of Fascism."

"DUNDAS C.C.F.CLUB  
(sgd) "Margaret Baker,  
"Secretary.

"Hon.Gordon Conant,K.C.,  
Parliament Buildings,  
Toronto, Ontario."

-----EXHIBIT NO. 161: Letter dated March 15, 1943, from James Preston, Vice-President, 13th District, International Association of Fire Fighters, to Mr.W.H.Furlong, enclosing resolution:

"Toronto, March 15th,1943.

"Mr. W. H. Furlong, K.C.,  
Counsel for Select Inquiry Committee,  
on Collective Bargaining,  
Provincial House,  
Parliament Bldgs., Toronto

"Dear Sir:

"By authority of our International Association, I am enclosing a copy of a Resolution which was adopted at our recent International Convention.

"I trust that you will take the necessary steps to have this Resolution dealt with, with a view to having the principle of said Resolution embodied in the provisions of any Act, which may be enacted, with respect



to Collective Bargaining.

"With best wishes, I am

"Yours sincerely,

(sgd) "James Preston,  
"Vice-President,  
13th District."

---

"RESOLUTION RESPECTING COLLECTIVE BARGAINING

WHEREAS: The Select Committee of the Legislature of the Government of the Province of Ontario are at the present time holding an inquiry with respect to Collective Bargaining, as between Employers and Employees in Industry throughout the Province of Ontario, and

"WHEREAS: The Imperativeness of this legislation to Firefighters has been manifested in their dealings with Municipalities throughout the Province on many occasions, and

"WHEREAS: Firefighters should be entitled to the same consideration as are workmen in all other forms of employment, therefore be it

"RESOLVED: That the Executive Officers of the International Association of Fire Fighters be instructed to petition the Legislative Assembly of the Province of Ontario to have Fire Fighters included in the provisions of any Act, which may be enacted, respecting Collective Bargaining."

---EXHIBIT NO. 162: Memorandum re Collective Bargaining presented (by mail) by the Stratford District Trades and Labour Council, dated March 12, 1943:





"INTRODUCTION

"To the Honourable Members  
of the Select Committee on Collective Bargaining,  
Government of Ontario.

MEMORANDUM:

"This brief, representing all organized workers affiliated with the Stratford District Trades & Labour Council, Dominion Trades & Labour Congress and the American Federation of Labour, an approximate total of 1600 workers, residing in Stratford, Mitchell, St. Marys, Sebringville, Tavistock and Shakespeare, desires to express their appreciation of the opportunity afforded to record and present our views before your committee.

"As organized workers, we again express our regret that legislation enacting Compulsory Collective Bargaining has long been delayed, in the Province of Ontario, and hope that the Select Committee on Collective Bargaining will speedily recommend this action.

"It will be noted that our presentations are a reiteration of past submissions to other bodies, and we express the profound hope, in the course of your deliberations and findings, that the Committee on Collective Bargaining will recommend to the Legislature a 'Compulsory Collective Bargaining Act', and that same be brought down at the present sitting of the Legislature.

"For many years, the representatives of organized labour in this District, have been actively engaged



in promoting the Welfare of its members, and in our experiences, we have found that only through the process of genuine Collective Bargaining principles, can Industrial unrest be avoided, and harmonious relations exist between employer and employees. We therefore believe the only sound economic principle which will promote mutual trust and harmony -- insure the highest degree of cooperative effort in industrial relations -- is compulsory Collective Bargaining.

"For a number of years Trade Unionists in this community have enjoyed harmonious relations as a result of Collective Bargaining Agreements with their employers.

"The City of Stratford is situated in the centre of the Furniture Industry in the Province of Ontario, and employs approximately 1000 workers, covered by the Industrial Standards Act.

"At the present time, the vast majority of the workers in the Furniture Industry are totally unorganized. It is true that welfare and other types of organizations exist in many of these plants, but genuine Collective Bargaining principles have long ceased to exist.

"The experience of the past since the year 1933, is still foremost in the minds of furniture and other workers. Thus we find that fear is still the predominant factor, and the reason for lack of, or failure to express their actions into Trade Unions.

"The workers in this County remember the Furniture



Strike of 1933, and the unfortunate situation which it developed. Today, the city and district still suffer industrially because of that affair.

"If the principles of genuine Collective Bargaining had been on the statutes of Ontario at that time or had been recognized by the employers, much enmity would have been avoided. In this Labour dispute, because of fear and misunderstanding, the rumble of tanks, guns, and armed soldiers appeared into this peaceful community. The only city in Canada where a Labour dispute occurred that tanks were sent. To quell a mob of rioting strikers - no, no, - for not a window-glass was broken or one dollar's damage to private or public property.

"The representatives of organized Labour were the first to propose a community co-operative spirit, to remove this stigma. Today a spirit of understanding exists, but it must be recognized that labour relations need to be broadened so as to prevent a repetition of another industrial dispute of this character.

"The Industrial Standards Act, while correcting some aspects of the labour conditions in the furniture industry, is totally inadequate. The Industrial Standards Act merely mitigates, rather than corrects or remedies fundamental issues. This act should be repealed, and 'Compulsory Collective Bargaining' be enacted in its place.

"The employers in Ontario should not look upon genuine Trade Unions as a menace to any industry, but





as a medium through which the workers can and do make valuable contributions to industrial progress. Likewise the workers will not look upon employers as a threat to their livelihood, where sound principles of Collective Bargaining are established.

"We as Labour men, have repeatedly referred to the spirit of antagonism that exists -- the hostility of the employees on one hand, and the too prevalent hostility to Trade Unions on the other hand. Labour, in Stratford, feels that what is wanted is a new spirit - a more humane spirit, one in which economic and business considerations will be influenced and finally corrected by human and ethical consideration.

"Theoretically, industry is carried on by joint partnership of Capital and Labour. One side of the scale is easily upset by additional weight on one side or the other.

"We therefore submit, that a new partnership is essential and inevitable. The mechanics of that partnership can be developed under the influence of a new spirit in the Province of Ontario. There must be a clear perception, however, of the leading principles on which cooperation of employers and employees engaged in industry is to be based.

"Organized Labour desires to share in the responsibility of industrial productivity, and so the present system must be so modified that the workers will feel that they are part of the industry and should be closely allied with its control and operation. Daily



contact with modern industry      however complex,  
 qualifies workers to make important and necessary  
 contribution to successful production operation, and  
 the prosecution of our War effort.

"THE RIGHT TO ORGANIZE:

"The right of organization or freedom of association into a group of one's own choosing was expressed by the Treaty of Versailles. It was proclaimed by Order in Council, July 11th, 1918. Again it was proclaimed by the Canadian Government in P.C.2685, June 19th, 1940.

"Legally then, the workers have the rights to organize, 'but because of employers' determination not to bargain with their employees is to deny us the lawful right to do so'.

"We believe that the right of association for legitimate purposes has been denied employees in Ontario, by the lack of enforceable legal legislation.

"We believe this right should be recognized in our National interests, and Labour should not be denied the means of organizing for Collective Bargaining purposes."

"Genuine Collective Bargaining can only be possible where an organization of workers, represented by their own chosen officers or representatives, deal with their employers. The company's agents need not be members of the firm, likewise the employee's agent need not be employed by the Company bargaining with the employees. A legal vote to determine the Collective Bargaining agency should be undertaken



where it is the expressed wish of the employees, and 51% should constitute the majority vote. The voting should be free of intimidation or coercion by employers, and should be under impartial supervision. A majority vote in favour of any organization should be mandatory on the part of the employers to deal with that organization selected under a 'Compulsory Collective Bargaining Act'.

#### "OUTLAWING COMPANY UNIONS:

"Company Unions are launched, assisted and encouraged by employers, (who may publicly favour collective bargaining), but fear of genuine Trade Unions, and refuse to deal or recognize their employees as a group as to hours of Labour, wage payments, and working conditions.

"In a Company union the employees' representatives may ask for increased wages and better conditions, but the management or the Employer has the final authority.

"Company Unions, or other types of so-called employees' Welfare Associations should be abolished, and specific provisions outlawing them, should be enacted in a 'Compulsory Collective Bargaining Act'.

#### "INCORPORATION OF TRADE UNIONS:

"The fear of the growing strength of organized Labour, prompts the agitation for the incorporation of Trade Unions, in certain quarters.

"Trade Unions, whether incorporated or unincorporated have always been subject to the laws of Canada, and enjoy no privileges that an employer or a corporate body have not.





"Trade Unions in Canada have the legal right to become incorporated or otherwise. No trade union, affiliated to the Dominion Trades and Labour Congress, has expressed this desire.

"The incorporation of Trade Unions would restrict their activities. The courts of law would decide their laws and constitution. It would make a trade union legally responsible for the individual action of each and all of their members.

"In the incorporation of Trade Unions it would mean prolonged litigation against them in the law courts, depleting the funds of the trade union, when dealing with powerful financial organizations. Finally it would be an injustice and discouragement to immediate and peaceful means in the settlement of Industrial disputes.

"If trade unions are to be incorporated by law, then all other groups of persons associated together for certain purposes, should likewise be compelled to incorporate.

"REGISTRATION:

"The registration of Trade Unions may serve a double purpose in defeating the objects of the legal right to organize.

"It may cause a Trade Union to be liable for legal action or lawsuits.

"It does and would provide the means whereby an employer, when a Trade Union is in the process of organization, could discriminate against the action or



leading members engaged in formation of a trade union in such an industry.

"The Stratford District Trades and Labour Council, and their affiliates, file annually with the Department of Labour, the name and address of their officers and their total membership. We are of the opinion that registration is therefore unnecessary.

"YELLOW DOG CONTRACTS:

"Provisions should be incorporated in any 'Collective Bargaining Act' to outlaw 'Yellow Dog Contracts'. No worker should be subjected to, or offered a contract disbaring them from membership in a trade union.

"PENALTIES FOR VIOLATION OF CONTRACTS:

"In any legislation, specific penalties providing for violation of contracts, should be enacted.

"ADMINISTRATION OF THE ACT:

"The administration of the Act shall provide for adequate administrators.

"The employer and employee should have equal representation.

"The Board's decision should be final, and not subject to legal action.

"In the submission of this brief, we ask your earnest consideration of the proposed suggestions, and in doing so we believe that many of the existing injustices can be corrected, bringing cooperation and peace in industrial relations in the Province of Ontario. We urge the Select Committee on Collective Bargaining to propose legislation on the context of



this brief.

"Our best wishes for a constructive and genuine  
Collective Bargaining Act in Ontario--

"Respectfully submitted,  
(sgd) "Douglas E. Marks,  
"Chairman Legislative Committee,  
Stratford Trades & Labour Council.

(sgd) "J.P. Regan,  
"Secretary

(SEAL)

(sgd) "K. Cockburn,  
"President."

-----EXHIBIT NO. 163: Letter dated March 15, 1943, from  
Bob Ward, Secretary, Joint  
Committee on Collective Bargaining,  
sponsored by A.F. of L. and C.C.L.  
Unions, Kingston, Ontario:

"256 Bagot Street,  
"Kingston, Ontario,  
"March 15, 1943.

"Select Committee,  
Room 220, Parliament Bldgs.,  
"Toronto, Ont.

"Dear Sirs:-

"Enclosed herewith you will find a copy of a  
resolution which was unanimously adopted last night  
by a joint mass meeting sponsored by the A.F. of L.  
and C.C.L. Unions in this city.

"Yours very truly,

(sgd) "Bob Ward,  
"Secretary, Joint Committee on  
Collective Bargaining."

#### RESOLUTION

"Strong responsible labour unions are the core of  
democracy and any all-out war of the people against the  
enemies of their liberties.

"A democratic active labour movement is the vital





need at the moment, not only of the two and a half million working people in Canada but of all classes whether farmers or office workers, who heart and soul desire the defeat of the Nazis and the victory of human dignity and freedom.

"The denial, in practice, of the rights of working people to organize themselves is the denial of every elementary right which Hitler took good care to destroy. At the same time such denial keeps from the Canadian working men and women the very means they need for enthusiastic, efficient all-out participation in our war against fascism.

"We, citizens of Kingston, believing as we do in the above sentiments, believing as we do that everything should be subordinated to the swift, successful prosecution of this war for freedom, believing as we do that this does not require the suppression of liberties, but rather their extension, call upon the Select Committee on Collective Bargaining to recommend to the Ontario Legislature that modern collective laws for Ontario be enacted at this session of the House, and that these laws should contain provisions for the outlawing of all forms of 'company unionism'.

"We see and hear day by day the results obtained by the participation of free organized labour in the war against fascism in Great Britain, United States and the Soviet Union, and are heartened by the tremendous role our fellow-workers in other sections of the United Nations are making towards defeating Hitler.



We in Ontario have noted great advances made in production in this country since the outbreak of war, but are firmly convinced that problems militating against an even greater participation of the workers in the battle for production could be allayed by the enactment of laws making collective bargaining compulsory. We are firmly convinced that only through strong legislation of this kind will it be possible for organized labour to pull its full weight in the winning of the war, and along with government and management build the peace that our common struggle warrants.

"BRIEF RE ALUMINUM COMPANY OF CANADA (KINGSTON WORKS) COMPANY UNION, KNOWN AS 'THE EMPLOYEES' COUNCIL'

"In September, 1941, following organizational activity by the United Electrical, Radio and Machine Workers of America, the management of the Aluminum Company of Canada petitioned their employees and set up an Employees' Council. In a 'shotgun' election held within three days by the Federal Department of Labour, this Employees' Council was successful in winning a vote. It is significant to point out that the Union officials were never given the opportunity to see or to criticize the wording of the ballot used during the vote. The Employees' Council was suffixed on the ballot as having 'all the powers of a trade union.' At the time of the vote three key union workers were locked out by the Company.

"Following the vote the Council was set up and has been in operation ever since. There is absolutely no



membership. No dues of any kind are collected. There has never been a meeting where the workers can express a democratic viewpoint on matters pertaining to the Council. A full time 'business agent' is retained by the Company.

"During the past four months the UER & MWA have been carrying on organizational work at the Aluminum Plant, and an application for a Board of Conciliation and Investigation was formally made on December 4, 1942. Despite the fact that over 1,100 have indicated their desire to be represented by a legitimate trade union, this desire has been subordinated to a minority of 13 individuals who comprise the executive of the Employees' Council and who do not possess a mandate from the employees in the Plant. A new contract has just been entered into between a few of this group of 13 people and the management which binds the remainder of the employees for a period of one year. This situation has created a great deal of confusion among the workers. Much dissatisfaction is evident at the seeming Federal Government approval of 'Company Unionism.'

"We would submit that the Employees' Council at the Kingston Works of the Aluminum Company of Canada is wholly financed by the company. That because of the absence of membership, refusal of the Council proper, to have meetings of any kind where the employees would have an opportunity to express their views, that it is a pseudo-democratic set-up controlled by





the Company. We submit that in this instance the Federal Government has refused to recognize the legitimate trade union movement and has acknowledged a minority group of 13 people who do not speak for the employees.

"We would also submit that actions such as this are opposed to the best interests of production, and Canada's war effort. We feel that the perversion of democracy as exemplified in this case, proves conclusively the need of genuine collective bargaining to protect the democratic aspirations of the workers in this Province."

---EXHIBIT NO. 164: Letter dated March 12, 1943, from J. Sheddon, Recording Secretary, International Union of Mine, Mill and Smelter Workers, Local 637, I.U.M.M. & S.W., Port Colborne, Ontario:

"March 12, 1943.

"Premier Gordon Conant,  
"Queens Park,  
"Toronto, Ont.

"Dear Sir:

"The enclosed resolution was unanimously adopted by the membership of Port Colborne Refinery Workers, Local 637 I.U.M.M. & S.W.

"I was instructed to forward a copy to you and the Hon. Peter Heenan and John Clark.

"Yours truly,  
(sgd) "J. Sheddon,  
"Rec.Secy."

#### RESOLUTION

"WHEREAS

"The vast majority of the workers of International



"Nickel Refining Division, Port Colborne, having organized into a Union of their own choice, Local 637, I.U.M.M. & S.W. and having the intention of approaching the management of Inco. for a collective bargaining agreement and

"WHEREAS

"The anti-union attitude of the management of Inco. if persisted in, will inevitably lead to disruption of the Nickel Industry, when peak production of this metal is vital to the successful prosecution of the war against Nazism.

"THEREFORE BE IT RESOLVED

"That Local 637 I.U.M.M. & S.W. petition the Government of Ontario to immediately enact compulsory Collective Bargaining Legislation to ensure Unity in this and other essential Industries for a total war effort."

---EXHIBIT NO. 165: Letter dated March 14, 1943, from Laurence M. Clark, Recording Secretary, Lodge 383, I.A.of M. to the Premier of Ontario:

"INTERNATIONAL ASSOCIATION OF MACHINISTS  
LODGE NO. 383

"141 Brisbin Street,  
London, Ontario,  
March 14, 1943.

"The Hon.G.D.Conant,  
Premier of Ontario,  
Queens Park,  
"Toronto, Ontario.

"Dear Sir:

"At the regular meeting of the above Lodge held on Tuesday, March 9, 1943, the following Resolution was endorsed and forwarded to you to be given your most careful consideration.



"Resolution

"Whereas - The workers of Ontario have been promised effective Collective Bargaining Legislation for some time, and

"Whereas - We believe that such legislation would not only be democratic but would also be in the best interests of a large majority of citizens, would be a benefit to the whole Dominion and would be a great step toward post-war reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out some time. The best time is now, the best place is Ontario, and

"Whereas - This Lodge along with the District Trades and Labour Council wish to go on record as deploring the action of (you) the Premier in deferring this labour legislation.

"Therefore be it Resolved that -

"This Lodge urges you Hon. G.D.Conant, Premier of Ontario to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earlier possible moment.

"Yours truly,

(sgd) "Laurence M. Clark,  
"Rec.Sec.Lodge 383, I.A.of M."

---EXHIBIT NO. 166: Letter dated March 15, 1943, from Mr.B.H.Cash, Jr. to the Committee:

"March 15, 1943.

"Gentlemen:

"I am one of the last to write, but one of the strongest advocates for labour democracy.





"Group representation by labour to management must come before Canada may lead the world in a post-war peace. If present bill is for a group or groups representing labour to management then it has my fullest support.

(sgd) "B. H. Cash, Jr."

---EXHIBIT NO. 167: Letter dated March 16, 1943, from T. Scott, Chairman, Toronto Structural Branch of Association of Technical Employees to the Premier of Ontario:

"ASSOCIATION OF TECHNICAL EMPLOYEES  
(affiliated to Trades & Labour Congress)

Toronto Structural Branch

"1175 Bay Street,  
Toronto, March 16, 1943.

"Hon. Gordon Conant,  
"Queen's Park,  
"Toronto.

"Dear Sir:

"At a membership meeting last night the following resolution was unanimously approved:

"That the Structural Branch of the Association of Technical Employees go on record as requesting the Ontario government to pass a collective bargaining bill at the present session of the Legislature, and to embody the following points:

- "(1) Compulsory collective bargaining
- "(2) Outlawing of company unions
- "(3) Inclusion of technical employees under the provisions of the bill.
- "(4) No yellow-dog contracts
- "(5) Severe penalties against employers who use intimidation of any kind against employees

"Respectfully yours,  
(sgd) "T. Scott."



---EXHIBIT NO. 168: Letter dated March 16, 1943, from  
W.H.Dorland, City Clerk, Strat-  
ford, to the Premier of Ontario:-

"Stratford, Ontario,  
"March 16, 1943.

"Mr. Gordon D. Conant,  
"Prime Minister,  
"Parliament Buildings,  
"Toronto, Ontario.

"Dear Sir:

"City Council last night endorsed in principle  
the resolution of the City of Toronto, Ontario, re  
Collective Bargaining Bills.

"Yours truly,

(sgd) "W.H.Dorland,  
"City Clerk."

---EXHIBIT NO. 169: Letter dated March 12, 1943, from  
J. Sheddon, Recording Secretary,  
International Union of Mine, Mill  
and Smelter Workers, Local 637,  
I.U.M.M. & S.W., Port Colborne,  
to the Chairman of the Select  
Committee on Collective Bargaining:

"INTERNATIONAL UNION OF MINE, MILL AND  
SMELTER WORKERS

Local 637, I.U.M.M. & S.W.  
192 Mitchell Street,  
Port Colborne, Ontario,  
March 12, 1943.

"John Clark,  
Chairman Select Committee on Collective Bargaining,  
Queens Park, Toronto, Ont.

"Dear Sir:

"The enclosed resolution was unanimously adopted  
by the membership of Port Colborne Refinery Workers,  
Local 637 I.U.M.M. & S.W.

"I was instructed to forward a copy to you and  
the Hon. Peter Heenan and Premier Gordon Conant.

"Yours truly,  
(sgd) "J. Sheddon,  
"Rec.Secty."



"WHEREAS

"The vast majority of the workers of International Nickel Refining Division, Port Colborne, having organized into a Union of their own choice, Local 637, I.U.M.M. & S.W. and having the intention of approaching the management of Inco. for a collective bargaining agreement and

"WHEREAS

"The anti-union attitude of the management of Inco. if persisted in, will inevitably lead to disruption of the Nickel Industry, when peak production of this metal is vital to the successful prosecution of the war against Nazism,

"THEREFORE BE IT RESOLVED

"That Local 637 I.U.M.M. & S.W. petition the Government of Ontario to immediately enact Compulsory Collective Bargaining Legislation to ensure Unity in this and other essential Industries for a total war effort."

---EXHIBIT NO. 170: Letter dated March 16, 1943, from Mr. D. B. Lawley, Chairman, Toronto Monthly Meeting of the Society of Friends, to the Chairman of the Committee on Collective Bargaining:

"TORONTO MONTHLY MEETING OF THE  
SOCIETY OF FRIENDS

"113 Maitland Street,  
"March 16, 1943.

"Dear Sir:

"At a meeting of the Service Committee of this Society, on March 15, 1943, at Friends' House, Toronto, the wish was expressed that the views of the Service





Committee should be placed before the present Select Committee appointed to submit a report on collective bargaining, in connection with the labour laws of the province of Ontario.

"Following the tradition of the Religious Society of Friends, our Committee records itself in favour of collective bargaining as a humanitarian principle, as well as a matter of law and justice, and begs to point out that any act in favour of this principle should be worded in simple and unqualified terms.

"Yours truly,

"TORONTO FRIENDS' SERVICE COMMITTEE,  
(sgd) "D.B.Lawley,  
"Chairman.

"Mr. James Clarke, Chairman,  
Committee on Collective Bargaining,  
The Ontario Legislature  
Queen's Park, Toronto."

---EXHIBIT NO. 171: Letter dated March 6, 1943, from Messrs. Welsh and Arnott to the Chairman of the Committee on Collective Bargaining:

"Parliament Buildings,  
Toronto, Ontario,  
March 6, 1943.

"Hon. James Clark, K.C., M.P.P.,  
Chairman, Select Committee on Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Sir:

"The enclosed resolutions were presented to us to present to your Committee on behalf of the Industries of Hastings County, viz: Canadian Industrial Alcohol Company; Belleville-Sargent & Co. Ltd.; Corbin Lock Mfg. Co. of Canada Ltd.; Stewart-Warner-Alemite Corp.



of Canada Ltd.; Stephens-Adamson Company of Canada Ltd.; Reliance Aircraft & Tool Co. of Canada Ltd.; Bristol Aircraft Products Co. of Canada Ltd.; The Consolidated Optical Co. Ltd.; Mead Johnson & Co. of Canada Ltd.; Deacon Bros. Ltd.; Bell Shirt Co.; J. & J. Cash, Inc.; Swift Canadian Co. Ltd.; Houston Co. Ltd.; Citizens Dairy Co. Ltd.; Canada Packers Ltd.; Graham Dried Foods Ltd. and others. That list represents a payroll of upwards of 4,000 hands. Five of them are the Canadian branches of industrial corporations that are the largest in their class in the world.

"Yours very truly,

(sgd) "H. E. Welsh, M.D., M.L.A.  
Hastings E.

(sgd) "Richard D. Arnott, K.C., M.L.A.  
Hastings W."

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#### RESOLUTION

"Carried unanimously by the Manufacturers' Division of the Belleville Chamber of Commerce, at a meeting held on March 12, 1943.

"RESOLVED that this gathering of representatives of the manufacturing industries of Belleville, including all the larger employers of labour, recommends for the consideration of the Select Committee of the Ontario Legislature the following points:-

"(1) That any and all workers shall have absolute freedom of choice to join or not to join any company union or other type of union.



"(2) That non-members shall not be forced to pay dues to any union.

"(3) That non-membership in a union or in any association of workers shall not be regarded as a just cause for the dismissal of an employee or of refusal of engagement.

"(4) That employers shall be granted the right to be represented at any meetings and to state their views whenever projects to form unions are being discussed.

"(5) That a majority of employees in any company shall be required to declare or force a strike or to engage in collective bargaining.

"(6) That when agreements are entered into between employers and employees, or unions representing employees, that the agreement shall be equally binding on both parties during the life of the said agreement.

"(7) That all unions, whether company unions or not, shall be required to have printed for distribution to all its members, and to employers as well, annual audited financial statements, giving in detail the amount of dues collected and of the expenditure of same.

"(8) That election of officers or bargaining representatives whether in company or other unions, shall be conducted in absolute secrecy and that any attempt at undue influence shall be punished by proper penalties and, further, that all election returns shall be made known to all the members.





"(9) And, further that the practice known as picketing shall be declared illegal, believing, as we do, that the said picketing almost invariably results in disorder, improper influence and intimidation, as well as serious damage to business, particularly where placards are displayed which virtually amount to efforts at boycott.

"(10) That strikes in essential war-industries and services be absolutely forbidden while the war is in progress and that all matters in dispute be referred to an acceptable board of arbitration, the decision of which shall be equally binding upon both parties to the dispute."

---EXHIBIT NO. 172: Letter dated March 16, 1943, from A.O.Thormahlen, Vice-President and Managing-Director of Sawyer-Massey Limited, Hamilton, to the Chairman of the Committee on Collective Bargaining:

"SAWYER-MASSEY, LIMITED  
HAMILTON CANADA

"March 16, 1943.

"Register

"The Chairman,  
Special Parliamentary Committee re Collective Bargaining  
Queen's Park,  
Toronto, Ontario.

"Dear Sir:

"In the 'Toronto Star' of 5th March there appeared a report of evidence given before your Committee on 4th March by Mr. C.S.Jackson, of the United Electrical Radio Machine Workers of America. According to the above newspaper report, Mr. Jackson made the following charges against this Company, which we presume were



required by your Committee to be given under oath.

"1. Mr. Jackson is reported, in the above mentioned Press report, to have charged that when the Union (C.I.O.) proposed Collective Bargaining negotiations after a vote at our plant (Dec.4th) it was found difficult to arrange a meeting. We deny this charge. Discussions with the Union representatives took place on 8th December, 7th January, 14th January and 2nd February. A meeting scheduled for 27th January was postponed to 2nd February, when the field representative of the Union advised at the last minute that he had another engagement.

"2. Mr. Jackson is reported in the above mentioned Press report to have charged that five or six people, alleged to be good friends of the Superintendent, approached employees to join the Sawyer-Massey Employees' Association. According to the Press report in question, Mr. Jackson then proceeded, by inference, to charge that this Association was a Company Union 'engineered by Management, Superintendent or Foreman, or by a small group of Management directed employees.' This is a deliberate attempt to discredit an Association which was formed by a group of free thinking employees who objected to being represented and/or controlled by the C.I.O. On 23rd December they filed with the Management the following petition:-

"We, the undersigned, employees of Sawyer-Massey, Limited, believe that, as Canadians, we are



fully competent to negotiate our own welfare and working conditions, and that there is no obligation or necessity of paying any financial tribute to foreign labor organizations, in order to enjoy that privilege.

"Therefore we formally protest allowing the C.I.O. or its subsidiaries, to represent us in any negotiations, and declare our intention of having our own elected committee represent us in any welfare discussions.'

"The Management had no prior knowledge whatever of this movement, and neither before nor since has the Management had anything whatsoever to do with this independent Association other than to accord them interviews similar to those accorded the C.I.O. Union representatives, for the purpose of discussing matters pertaining to the welfare of employees. The Management has asked for, and been given, a copy of the Employees' Association Constitution, which we find excludes Foremen and Superintendents from membership. We have no doubt that many employees (both C.I.O. employees and non-C.I.O. employees) are good friends of the Superintendent. This is a situation we are happy to see and anxious to promote in the interest of Employer-Employee relations. We deny, however, that Mr. Jackson's allegations have any foundation.

"3. Mr. Jackson is reported to have charged that at our plant 'a signed statement may be had that an





employee was approached by two members of Employees' Association who were Company Inspectors, and told that if he would join he would get a raise.'

"It will be noted that Mr. Jackson carefully refrained from stating that a sworn statement might be had. Inspectors have no authority whatever to grant raises and a thorough check-up has failed to bring to light any evidence whatsoever that would indicate even a remote element of truth in the above charge.

"4. Mr. Jackson is reported to have charged that in our plant men are joining the Association 'to get army deferments - the boss gets it for them.' If Mr. Jackson is correctly reported in this instance he is guilty of placing before you a deliberate falsehood. I personally have first hand knowledge of any applications for deferments and there is not the slightest foundation for anyone ever having made such a false statement.

"5. Mr. Jackson is further reported to have charged before your Committee that 'Company Union meetings are usually held on Company time, workers being called from their machines. In some cases workers who left their work to attend Company Union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the Company Union.'

"In the first place we can only assume that Mr. Jackson is mistakenly referring to the Sawyer-Massey Employees' Association when speaking of Company Union



meetings. We defy Mr. Jackson to substantiate his allegations that employees attending any Sawyer-Massey Employees' Association meetings did so on company time. On the other hand the Company has been broadminded enough to pay C.I.O. Union employees for time spent in negotiations and also for a special meeting held outside the plant during working hours.

As far as the reference to foremen and workers soliciting memberships to the Association on Company time is concerned, no foreman has ever solicited memberships to the Sawyer-Massey Employees' Association on Company time or any other time, with the Management's knowledge or consent, and while individual employees may have done so, we can truthfully state that Mr. Jackson's allegation in this regard is certainly a case of 'the pot calling the kettle black.'

"6. Mr. Jackson is also reported to have stated before your Committee, in referring to this Company, that 'the services of a Company lawyer were supplied to the Company Union.' In the first place the Sawyer-Massey Employees' Association is not a Company Union - it is an entirely independent association of non-C.I.O. employees. In the second place this Company has not supplied the Sawyer-Massey Employees Association with the services of a lawyer or any other services. Mr. Jackson's allegation has absolutely no foundation.

"I respectfully request that this letter be read into the records of your Special Committee and that it



be given the same publicity as that accorded Mr. Jackson's statements. If necessary I am prepared to appear before your Special Committee and reiterate the contents of this letter under oath.

"A copy is being forwarded to each member of the Provincial Legislature.

"Yours very truly,  
 "SAWYER-MASSEY, LIMITED  
 (sgd) "A.O.Thormahlen,  
 Vice-President and Managing Director."

---EXHIBIT NO. 173: Sample of petition by employees of the Aluminum Company of Canada and the Locomotive Company of Canada, Kingston, Ontario, to the Ontario Legislature:

"Ontario Legislature in Session  
 Toronto, Ontario.

"Honourable Sirs:

"We the undersigned employees of the Aluminum Company of Canada, and the Locomotive Company of Canada, Kingston, Ontario, call upon the Ontario Government to implement Collective Bargaining at this session of the House.

"We feel that the need for this basic democratic need of the workers has never been so great as at this momentous historical time. As the men of McNaughton stand poised to follow up the Casablanca call to the offensive we on the production front pledge our undivided attention to the task of full-out and uninterrupted production.

"We note with alarm the attempts of anti-union, anti-democratic elements to scuttle the Collective Bargaining Bill, and urge that strong measures be





taken by your committee to strengthen the democratic aspirations of the working people of Ontario by recommending the passage of laws making collective bargaining compulsory."

---EXHIBIT NO. 174: Sample of petition by employees of York Arsenals Limited to the Provincial Government:

"We the undersigned employees of York Arsenals Limited call upon the Provincial Government;  
To immediately bring before the House and pass the Labour Bill as outlined to us recently by Labour Minister, Hon. Peter Heenan, guaranteeing us the right to collective bargaining.

"To recognize that the recent strikes and disruptions of work are the direct result of the lack of necessary labour legislation. Therefore in the interest of maximum production, to defeat fascism rapidly and with a minimum loss of life, it is necessary that the Ontario Government lose no time in passing this legislation in the interest of the majority of the people

"To recognize that company 'unions' such as operate in our plant are denials of democratic principles for which we are fighting, since bargaining with a company 'union' is a farce and a sham."

---

MR. FURLONG: I now call upon Mr. Jacob Bennett.

MR. BENNETT: The Rev. Garnet W. Lynd, will make our presentation, sir.

MR. FURLONG: Very well.



REV. GARNET W. LYND appeared

WITNESS: Mr. Chairman and honourable members of this special committee, may I be permitted to congratulate you and the government on your democratic policy of hearing from all classes of society on this very important issue of collective bargaining.

Our delegation represents a branch of the Christian church of this province. Of the many and varied delegations which have appeared before you, we venture to suggest that none are more intensely interested in your problem than the church which we have the honour of representing. Our Master, the Christ, was deeply concerned with human values when He was here upon earth. We, as His representatives, feel that the relationship of employer and employee in industry is of such importance to the well-being of society that we must be concerned.

To the church that we represent, we would like to assure you that the matter of collective bargaining is no new issue. for six years ago the General Council of the United Church of Canada committed herself to the principle of collective bargaining. This has been reaffirmed at each of the two succeeding meetings of the General Council. The Toronto Conference of the United Church, a Conference which covers a large part of this province, passed a resolution in favour of collective bargaining. In like manner, at a joint meeting of the three Toronto presbyteries, a resolution was passed unanimously on the matter. At a meeting of Toronto West Presbytery on Thursday evening last, and of Toronto East



Presbytery on Tuesday morning of this week, the matter of collective bargaining was again given approval by the said presbyteries and this delegation appointed to appear before you.

We hereby place in your hands copies of the resolutions referred to, and we would ask, Mr. Chairman, that three members of the delegation be allowed to express in a few words the mind of our church on this important matter: Rev. Dr. John Coburn, a member of Toronto West Presbytery and a past President of Toronto Conference; Mr. Jacob Bennett, also a member of Toronto West Presbytery; and Rev. Norman McMurray, minister of Danforth United church and a member of Toronto East Presbytery.

Before calling upon the other members of the delegation perhaps I may be permitted to give you the picture, gentlemen: Our work in the United Church of Canada in Toronto and its environs, is divided into three areas: Centre, West and East Presbyteries. They cover the whole of the city of Toronto, the county of York, part of the county of Peel reaching from Clarkson and Streetsville on the West to Dunbarton and Uxbridge on the east, and as far north as Lake Simcoe. So we cover quite an area.

---Witness withdrew.

---

REV. DR. JOHN COBURN appeared

WITNESS: Mr. Chairman and gentlemen of the committee, I would like to say in opening that the





section of the Christian church represented by this body is interested in this question from a humanitarian standpoint. We do not suggest that the other delegations you have heard have not been interested from that standpoint, too; but too long, we think, property rights and financial interests and material considerations have dominated our business and industrial life. Having regard to the condition the world is now in, we think it is plain that the interests of humanity must be supreme; that after all, things were made for man's use; and that the worker in industry is not merely to be a hand employed at the discretion of somebody who is able to make money out of his service; that the worker should not be liable to be hired or fired by the whim or personal interest of another individual, but that in the building up of our whole national and social life the humblest toiler ought to have a recognized place in society and ought to be protected. And inasmuch as the single employee, up against the man who controls financial resources and employs a large number of workers, is not able to take care of himself alone, there is only one way by which that can be effected, and that is by recognition of the right of labour to organize and to bargain collectively.

We are fighting a great battle for democracy. We have democracy politically; we have not democracy in its fullest sense industrially and commercially. Gentlemen, if democracy, whose foundation principle



is the same as that of Christianity, namely, the recognition of the supreme value of human personality, is going to succeed it must be carried into all relations of life. Therefore, not only in politics and in the election of our representatives to parliament and to the legislature, but also in the realm of industry, which should exist not for the profit of the few but for the good of all, the democratic principle should prevail.

We assert, gentlemen, that labour should have the right to organize and select its own representatives to bargain collectively with those who represent the management in industry.

---Witness withdrew.

---

JACOB BENNETT appeared

WITNESS: Mr. Chairman and members of the committee, I hope you will forgive me for reading what I have to say, because I am not as good at memorizing as I used to be!

THE CHAIRMAN: You are like some members of parliament!

MR. BENNETT: "I am but one of the large number of churchmen who believe that it is illogical and hypocritical to pray for the establishment of the Kingdom of God on the earth unless we really want it and are prepared to do all in our power to promote it.

"There has been for centuries a constant struggle on the part of the masses to emerge from serfdom into responsible democratic citizenship. Some success has



been achieved; but too frequently and for too long have both organized Christianity and Governments been neglecting the masses of workers who after all are of primary necessity in industry. 'Pious platitudes and unfulfilled promises butter no parsnips.'

"Workers who perform even the so-called menial tasks should be recognized as essential cogs in the machinery of industry and receive adequate remuneration.

"I agree with the statement made here yesterday that many employers are working in harmony with organized labour with beneficial results to both. It is but fair to them that a collective-bargaining bill be enacted making it mandatory that all employers extend like recognition.

"I know from personal experience of nearly sixty years as employee and employer that when workers are allowed freedom of choice in the selection of their bargaining agents it promoted loyalty and cooperation.

"I hope the Legislature will enact a collective bargaining bill that will settle for a long time the unrest that is so general today in the ranks of the workers. I venture to state that the benefits accruing from even the most favourable labour laws the Legislature may enact will secure for the workers no more than what they are justly entitled to."

In conclusion, Mr. Chairman and members of the committee, may I assure you that if you require any moral support when this bill is going through the legis-





lature you can call upon the gentlemen constituting this delegation.

---Witness withdrew.

---

REV. NORMAN McMURRAY appeared

WITNESS: Mr. Chairman and gentlemen of the committee, it is our judgment, and the judgment we represent, that the enactment of collective bargaining legislation means nothing less than the application of the principle of democracy to industry. It is our contention that while this principle has been applied in the political life of the average industrial worker, it has not been applied in his industrial life. In his political life he has the dignity of an elector, with all the responsibility that goes with that position, but in his industrial life he is usually looked upon as a hand or a number on a pay-sheet, or a mere worker. Certainly he is not regarded as a person.

I would like to stress that word "person" and, if I may, quote one sentence from a recent book by the Archbishop of Canterbury:

"The supreme mark of a person is that he orders his life by his own deliberate choice, and the workers usually have no voice in the control of industry whose requirements determine so large a part of their lives."

It is our feeling that this is neither democracy nor Christianity. It is our considered judgment that every worker should have a voice and a share in the



control of industry. We feel that this is fundamentally right, Christian and democratic, but that it cannot be obtained by the action of individual workers going hat in hand to their employer, nor by the formation of the so-called company union; but only by the organization of the workers in unions of their own choice.

I would like to close with a quotation from a passage from a Supreme Court decision of Chief Justice Hughes, which is already incorporated in the brief before you. I desire to quote two sentences, one at the beginning and one at the end:

"The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right."

The last sentence is:

"Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority."

That is the point I think I was asked to present to you by the delegation, and I appreciate very much the opportunity you have given me to do so.

---Witness withdrew.

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REV. MR. LYND: Thank you very much, Mr. Chairman. I assure you that we shall pray for the Divine blessing upon your deliberations.

THE CHAIRMAN: I think we shall need it!

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Memorandum re Collective Bargaining  
presented by a delegation from the  
East and West Toronto Presbyteries  
of the United Church of Canada:

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"To the Chairman and Members of the Committee:

"This Delegation respectfully brings to your attention the following actions of the United Church relative to collective bargaining:

"1. A resolution adopted by the Tenth General Council of The United Church of Canada, biennial meeting at Belleville, September 1942:

"'Whereas the General Council has upheld collective bargaining; whereas the Government of Canada by order-in-council has affirmed that labour should be free to organize in trade unions of their own choice; whereas organized labour has repeatedly affirmed its full support of the nation's war effort; and whereas we are now in the midst of a world war; and

"'Whereas the principle of collective bargaining has been well defined in the American Supreme Court decision of Chief Justice Hughes, which reads as follows:

"'The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right. Long ago we stated the reason for labour organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that union was essential to give labourers opportunity to deal on an equality with their employer. Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority."





(Page 21, Senate Document No. 51, 1937, National Labour Relations Board v. Jones and Laughlin Steel Corporation)'

"Be it resolved that:

"(1) This Council reaffirms its emphatic endorsement of the principle of collective bargaining, independently of the issue of the closed versus the open shop.

"(2) This Council deplores industrial strife from whatever cause in war-time and therefore welcomes the official pronouncements of organized labour that it seeks to the utmost degree to keep production of the tools of war at a maximum level. The Council would urge upon industrial leaders and labour men alike a full sense of their joint responsibility in this tragic hour and the utter need that Industry and Labour both now and in the post-war period do all in their power for the Common Good.

"(3) This Council urge the Government of Canada to secure enactment of a collective bargaining act.

"(4) This Council urge the Government of Canada to give organized labour full, direct and representative membership on war-time control boards, directly affecting Labour and its relations.

"(5) This Council urge the Government of Canada to encourage the formation of joint management-labour war production committees in all war industries.

"2. Action of The Toronto Conference: An excerpt from the Minutes of Toronto Conference of The United Church of Canada in annual session at Toronto, June 1942:



"Conference also is of opinion that in order to conserve labour's fundamental right to collective bargaining, the Dominion Parliament should pass legislation making such mandatory."

"3. Action of the three Toronto Presbyteries: An excerpt from Resolution adopted at a meeting of the three Toronto Presbyteries, March 24, 1942.

"Whereas: The United Church of Canada through its General Council, has officially endorsed this principle, and

"Whereas: The Government of Canada in P.C.2685 set forth its labour policy in the following terms:

"'Employees should be free to organize in trade unions free from any control by employers or their agents' and 'That employees through the officers of their trade unions or through other representatives chosen by them should be free to negotiate with their employers or representatives of employers' associations, concerning rates of pay, hours of labour, and other working conditions with a view to the conclusion of a collective agreement' - which statement was described by the Prime Minister in the House of Commons on June 18th, 1940, as

"'a declaration of the principles that should govern employers and employed, regulations that should be put into effect,' and

"Whereas: This principle is in practically universal operation in Great Britain, and

"Whereas: In Canada, many employers of labour have accepted the principle and are loyally carrying it out in their respective plants; while others refuse to do so;

"It is hereby resolved:

"That it is the opinion of this group of Christian ministers and laymen, that in the interests of Democracy,



and economic justice, and in fairness alike to socially minded employers and to Labour, the time has come when by legislative enactment the Parliament of Canada should make this principle mandatory and effective.

"4. Action of other Presbyteries: Although no excerpts of minutes are quoted, it is to be noted that other Presbyteries of Toronto Conference, such as Temiskaming and Simcoe, have adopted Resolutions similar to that adopted by the Toronto Conference as a whole."

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MR. FURLONG: I now call upon Mr. Douglas Mutch.

Submission by Mr. Douglas A. Mutch,  
Consulting Mining Engineer, Hailey-  
bury, Ontario, re Collective  
Bargaining.

DOUGLAS A. MUTCH, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Mutch, where are you from? A. Haileybury.

Q. What is your occupation? A. I am a Consulting Mining Engineer.

Q. Proceed, please. A Mr. Chairman and members of the committee, I have not had time to prepare a sufficient number of copies to hand around to all, but I have a couple of copies here that will serve. With your permission I shall read what I desire to present to you. Last week Mr. E. J. Young made a presentation here and claimed representation for the consuming public, and on Monday my friend the Honourable Arthur Roebuck





claimed to be representing the general public of Canada. Today I think I represent the long-suffering public of Northern Ontario!

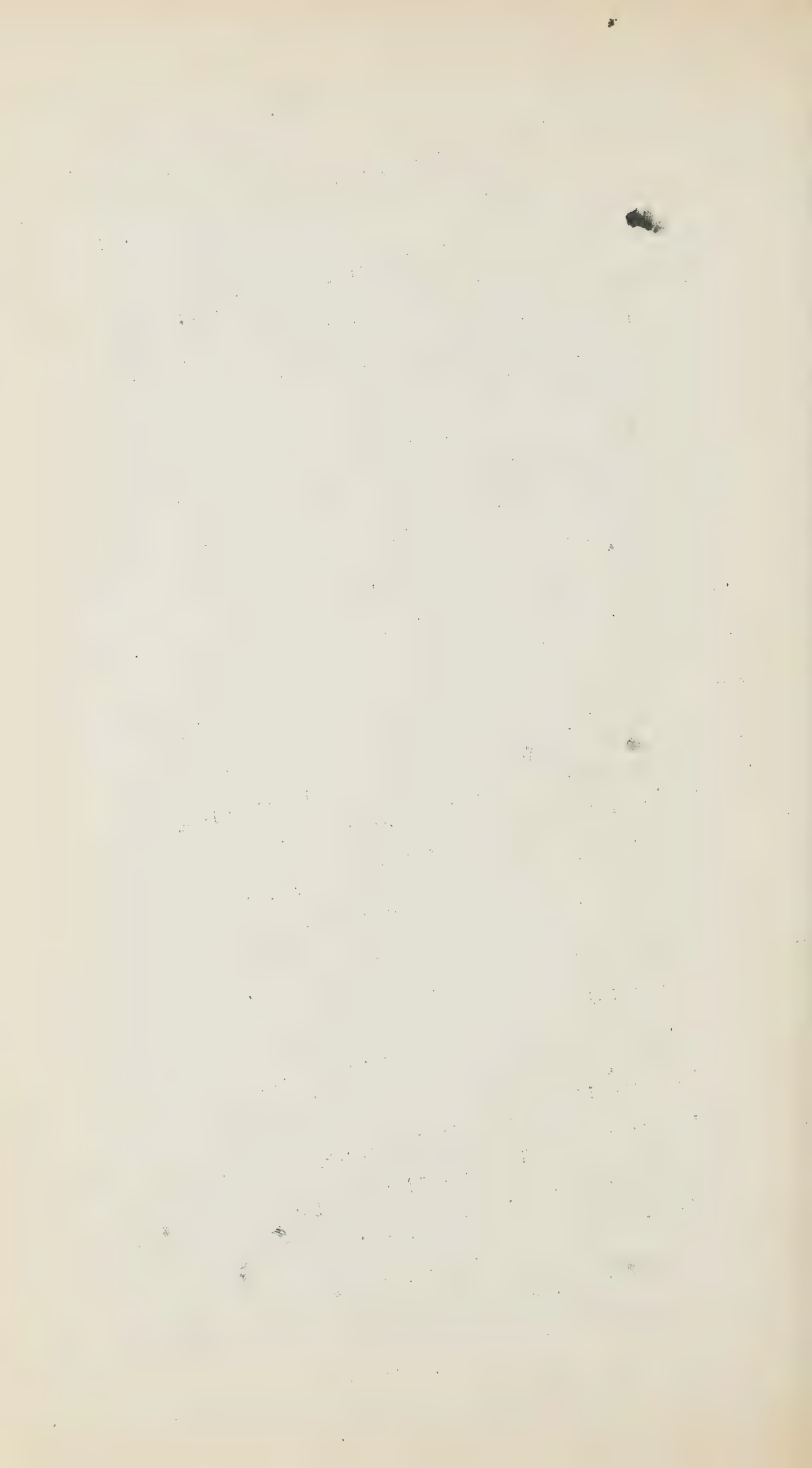
"Mr. Chairman and members of the committee:

"First I wish to thank you for granting me the privilege of appearing before your committee. I have listened as a private citizen to much evidence presented at this hearing and thought it a duty to correct, if possible, a few impressions which might have been left in respect to conditions in Northern Ontario mining areas of which I have considerable hard-won knowledge. My remarks are going to be brief:

"I would like you to know that the opinions offered are not based upon cursory examination of conditions in Northern Ontario, but rather upon experience gained during a period of over thirty-five years intimate association with labour and the mining industry. It is just thirty-six years ago this month that I first went to Cobalt and worked as a labourer underground. Since then I have witnessed the progress of the mining industry and the resulting growth of Northern Ontario in all its phases.

"I have seen the turmoil of the abortive strikes at Cobalt in 1907, Porcupine in 1912-13, Kirkland Lake in 1918-19, and the latest strike in that area in 1940-41, and am familiar with the resultant grief of labour and the affected communities.

"This morning I would like to deal briefly with the evidence presented to this committee last week by one,



J. Mikituk, formerly of Kirkland Lake and at last reports of Welland, Ontario, professedly a staunch supporter of the C.I.O.

"Mr. Mikituk stated that 58 per cent of the employees who voted to determine whether or not there should be a strike in Kirkland Lake, were in favour of such action. He inferred that this 58 per cent were members of the C.I.O. As a matter of fact, hundreds of irresponsibles voted to strike who were members of no union. These voters adopted the attitude of nothing-to-lose. Their jobs were secure, they thought, because as essential war industries the mines wouldn't be allowed to close. To say the least, such irresponsibles were grievously chagrined when the strike was lost and they had no jobs.

"Let us accept the fact that of the approximate 4,000 employees in the Kirkland Lake area at the time the strike vote was taken 58 per cent were in favour of striking. Previous to the strike vote some 1500 of the best employees in the area had enlisted for active service in the Canadian Armed Forces. Please note that these men were not drafted. To a considerable degree, this large group of enlisted men was composed of first-class miners who were encouraged to enlist by the mine operators and were promised that their jobs would be waiting when, and if, they returned. The majority of these men were of Canadian birth. Many were married, had established families and homes, and were an important cog in community life. These men are vitally interested in any change in employer-



employee relations, but had no representation when the strike vote was taken. Had the C.I.O. been successful, it is difficult to say what conditions these enlisted men would have been faced with on their return. Their jobs were grabbed by men without any stake in the community or the country, i.e. by foreign born workers, and indeed by alien enemies. It was this type of labour aided, abetted and led by imported agitators of the C.I.O. which precipitated the strike and must bear the responsibility of its after-effects.

"I contend, sir, that had the Canadian workers placed self-interest first, and remained on their jobs rather than voluntarily enlisting for active service in defence of our country and theirs, their wiser counsel would have prevailed, that there would have been no strike, and that the C.I.O. Union would have been discredited throughout the North long before it had the opportunity to cause the suffering, hardship and bitter feelings which have resulted from its later activity.

"From the miners who enlisted there was formed the Number One Tunnelling Company of the Royal Canadian Engineers, now under command of Lt.Col.Colin Campbell, former Minister of Public Works in the Ontario Government, and presently on leave of absence from that Government.

"To a large extent, the No. 1 Tunnelling Company was financed in respect to special equipment by the mine operators of Ontario. All such special equipment





recommended by General McNaughton was purchased by these operators with expenditures to date around \$80,000.

"Now, sir, I needn't tell you of the excellent work which has been done by these miners at Gibraltar, in the tin mines of Cornwall, and elsewhere. I would, however, like to read to you a letter from a member of this Tunnelling Company written from Gibraltar under date of November 25, 1941, and published in a Toronto paper under date of December 25, 1941. I quote:

"'KIRKLAND MEN OVERSEAS SAY "BEING KNIFED  
IN THE BACK"

"'Soldier-Miners at Gibraltar are "Damned Mad"

about the Strikers - Call them Moronic, Yellow  
So and Sos.

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"'What Kirkland Lake men in uniform - what all Canadian men in uniform - think of the C.I.O. strikers in Kirkland Lake is trenchantly told in the following letter written from Gibraltar, November 25th by a member of one of the special Canadian tunnelling companies. It should be enough to make any Canadian striker hang his head in shame.

"'What the boys overseas will think when they hear that a very large percentage of the men who remain on strike are aliens - hundreds of them enemy aliens - (while the vast majority of those who stayed at work and have gone back to work are Canadians) we can only guess. The letter follows:

"'We had news via the radio here about the strike in Kirkland Lake.



"As you know, most of the men in this company come from Kirkland Lake, and what is more about 70% of them are married men who were steadily employed at the various mines before they joined the army. Since we have arrived here over nine months ago, we have been steadily working on mining and tunnelling operations 24 hours a day and all the men have been working just as hard, in fact some of them a great deal harder than they did in civilian life, for \$1.30 a day plus 25¢ or 50¢ depending on their category. Besides this eight-hour shift a day they have their military duties to fulfill at all times, as well as the fact that they have had no leave and no idea as to when they are likely to have any. Yet despite this the men are happy and do their work uncomplainingly.

"Their feeling as regards the strike and labour trouble in Kirkland Lake is that it is exactly the same as being knifed in the back. They are all damned mad about it, in fact in the men's own words, they are a bunch of moronic gutless yellow ---- and deserved a good mauling.

"I just thought you might be interested to know what the actual men of the company think for you know that I agree fully with the stand the mines are taking. I only hope that the government has the guts to back us up. Naturally the news takes a long time to reach us here so that by the time this reaches you the whole affair may be settled. I hope so, at any rate."

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"At these hearings, sir, I have listened to many high-sounding protestations of patriotism by organized labour and its representatives. I have heard of the concern of these people over conditions of employment with which our enlisted men may be faced on their return to civil life. I suggest that such patriotism fades into comparative insignificance alongside that of those workers who have given up their well-paid jobs to serve their country, fully prepared to make the supreme sacrifice. Compare their present position with that of the worker who continues in a well-paid job in agreeable surroundings and above all with security depending only upon himself.

"I have read to you an expression of opinion from men serving overseas of the actions of organized labour. It would, I think, be regrettable if the men serving overseas return to conditions in which they would face compulsory acceptance of policies evolved during their absence by those who, by their actions, have clearly demonstrated that their underlying object is personal aggrandizement and nothing else.

"Last week, before this Committee, Mr. Mikituk was asked by a member of the Committee whether the C.I.O. assisted striking members financially. Mr. Mikituk's reply, according to the record was, I quote: 'We had the finest assistance from the C.I.O. namely \$9.00 a week,' -

I might interject the remark that some of these men were earning \$9. per day when they went on strike, gentlemen -

'milk and fuel, and when it had to be, the rent was paid.'





"Now, sir, this assistance of which Mr. Mikituk spoke, was largely in the form of vouchers, cashable at stores in Kirkland Lake which cooperated with the Union before and during the strike."

I might add that these stores were placarded with cards suggesting strike and support of the union.

"On February 18, 1943, over a year after the Kirkland Lake strike, a statement issued by Pat Conroy, Secretary-Treasurer of the C.I.O. showed that as of February 18, 1943, the Union had accounts outstanding in Kirkland Lake totalling \$21,897.30, made up of purchases as follows:

"Groceries .....	\$18,098.60
Milk .....	3,222.22
Board .....	325.75
Fuel .....	250.73

"Now, Mr. Chairman, it is at least probable that some of the finest assistance which Mr. Mikituk claims as coming from the C.I.O. actually came from the so-called cooperative merchants of Kirkland Lake who are still waiting to be paid. Many of these merchants operate on a shoe-string and cannot afford to extend much in the way of credit

"May I suggest that it isn't difficult to make a good fellow of yourself on someone else's money. And that isn't all, many workers lost their homes, businesses were closed and the work of ten or more years of becoming established, destroyed. I would like to read a letter from Pat Conroy, Secretary-Treasurer of C.I.O. under date of February 18, 1943:"

This letter is published under the heading:



"THE CANADIAN CONGRESS OF LABOUR  
230 Laurier Ave. West  
Ottawa, Ontario.

"February 18, 1943.

"Circular Letter No. 28.

"To all Affiliated and Chartered Unions,  
Labour Councils, and Representatives of the  
Canadian Congress of Labour.

"Greetings:

"It is over a year since the Kirkland Lake strike came to an end. At its finish, nearly \$30,000 was owed to small merchants in the strike area. The largest portion of this money was given to the strikers in the form of relief by co-operative stores or by small businesses which gave generously and to the end that the strike would be won.

"In the last year a considerable amount of this debt has been paid, but there still remains some \$20,000 to be raised, as is shown by the attached statement. The International Union of Mine, Mill and Smelter Workers is pressed for money, but, according to its International Representative in Canada, Brother Robert Carlin, it is willing to make a contribution of several thousand dollars towards liquidating the amount owing at Kirkland Lake.

"The congress is informed that, apart from the contribution of the International Union, about \$15,000 will be required to wipe out existing obligations at Kirkland Lake. This could be done if each worker in the congress contributed 15 cents or slightly less. We are asking each congress union to make a contribution



on that basis as quickly as possible. We are also requesting congress representatives to draw to the attention of local unions in their respective territories that the need for such contributions is urgent. Will you please do your utmost and have a reasonable contribution made towards repaying these small businesses who gave generously in support of the strikers at Kirkland Lake.

"Send your contributions to Brother William Simpson, Box No. 1075, Kirkland Lake, Ontario, or the Secretary-treasurer, Canadian Congress of Labour, 230 Laurier Avenue, Ottawa, Ontario. Mark your contributions "Kirkland Lake Strike Fund."

"Yours fraternally,  
(sgd) " Pat Conroy,  
" Secretary-Treasurer."

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THE CHAIRMAN: Q. Whathas that to do with collective bargaining? A. It has to do with the bargaining agent. The bargaining agent in this case showed it had no financial responsibility, but lived off the merchants of Kirkland Lake and, not being an incorporated organization, the merchants are holding the bag to the extent of \$20,000 today, and some of them have been forced out of business.

Q. It looks as though there was an effort to meet their financial obligations? A. The strikers in Kirkland Lake were told that the C.I.O. would support them financially to the fullest extent during the strike and as long as they were on strike. This was the support they received!





"And, Mr. Chairman, this is the same outfit that is now trying to promote the C.I.O. in the Sudbury nickel-copper mining area, and hopes to be the sole bargaining agent for employees with employers.

"You have heard, Mr. Chairman, of the intimidation of non-union workers and their families in Kirkland Lake during the strike. This is a matter of record, details of which should be available from the Attorney-General's Department. You know of the action of the Ontario Government in sending a group of Provincial Police to maintain order and protect property when the job became too big for the Teek Township Council. I assure you that the danger of serious strife and damage was very real.

"However, you probably haven't been made aware of the intimidation which took place underground in the mines. It is most difficult, if not impossible, to obtain evidence of such intimidation which would be accepted in court. It is probably the most insidious and dangerous of all intimidation, and you can accept the statement that it was rife.

"Now, sir, you are aware that the great majority of employers are in favour of collective bargaining with their own employees. The small percentage of holdouts can be swung into line with a little urging and by example.

"I can tell you that during the past three years, more progress has been made toward the desired employer-employee relations in the Northern Ontario mining



areas than during any preceding twenty-five or thirty years. This progress has been accelerated by the closer cooperation of the interested parties in their joint contribution to the war effort. I suggest that the continuance of this progress be encouraged."

Employers today, Mr. Chairman, as a class are not dumb. They are fully aware of the change that has taken place in our social life and which must take place in employer-employee relationships, and to meet this change they have encouraged works councils and employees' committees (laughter from the audience) and similar organizations which are independent associations of labour. Now, there seems to be a widespread feeling - it has predominated the hearings before you - that all such associations of labour are company unions. I think that that view, if it is held, should be revised. Simply because a company, for example, loans an association of employees a recreational hall in which to hold their meetings, is no ground for considering it to be dominating the union.

Q. I do not think anybody has contended that yet.

A. It was contended here, sir.

Q. I did not hear it. My recollection of all the evidence was that there were border-line cases, and I think one person suggested that probably that is getting close to the line, - thinking now of Mr. Mosher, Mr. Sullivan, and some others - but it was stated that where the company did not interfere with the free election and took no part in it by intimidating anyone or trying to



dominate the secret election of the representatives of the employees, it was not classified as a company union.

A. There was evidence raising objection to a company providing a recreation hall. I was here on the day that evidence was given. That was considered to indicate a dominated company union.

Q. I think there were one or two extremists who went that far. A. The definition of "company union" should be made very clear, sir. Domination is not desired, but the outlawing of associations or groups of employees under the general heading of "company union" is, in my opinion, a very, very dangerous practice. As you probably know, many of the employers are anxious and willing to cooperate with labour through the medium of collective bargaining-- (laughter from the audience)

Q. We have it in Windsor? A. You have the evidence here, sir, that a large number of employers are willing to deal collectively with their employees without any compulsion.

Q. There was no compulsion at the Ford plant. They had an open, political pow-wow there, and the management went and advanced all their arguments as to why the so-called company union would be better for the men, and the C.I.O. representatives gave their reasons why the employees would be better off if they had the C.I.O. as their collective bargaining agent. Then they had a free election, with 60-40 in favour of the C.I.O., and so both sides sat down and drew an agreement.

A. If the C.I.O. represented a majority of the





employees in the industry, certainly that would be correct; but to classify all unions, sir, which are independent of international trade organizations as company unions is wrong.

Q. No one suggested that? A. I think it has been suggested here.

MR. HAGEY: Q. It has been suggested by some portion of the Press editorially, which has made it difficult for this committee, but it has not been suggested in evidence before the committee.

THE CHAIRMAN: Q. They have been fair enough to say that if the employees in a company like the Bell Telephone Company want to go ahead and elect representatives secretly without any interference or domination by the management in any shape or form, that is not a company union. It is only where there is intimidation or interference that it is classified as a company union. Where the men are free to pick their own representatives it has not been suggested, that I have heard, that the company union should be outlawed? A. I just want to leave that thought with you.

Then in this morning's issue of the "Globe and Mail" there is a brief report of evidence submitted to you last night by Mr. George Gare, spokesman for the St. Catharines citizens' delegation, and I would like to read a few lines to you:

". . . the absence of a labour bill protecting the workers' right to organize and thus protecting the union of the workers' choice from company hostilities



has confined a large portion of union interest and energies to the daily struggle of defense and survival."

Then later Mr. Gare said:

"A proper bill in our province along the lines suggested by the Trades and Labour Congress and the Canadian Congress of Labour would make it possible for the union in McKinnon's and every other union in our city and vicinity to devote its time to improving war morale and war production, instead of concentrating on a fight for the organization's life."

Now, I contend that the underlying objective of all this evidence presented by organized labour here is primarily to protect the life of those organizations. I leave that thought with you.

"Compulsory collective bargaining, outlawing of independent Unions or associations of employees, will only revive former strife and suspicion." -

I am speaking of the North country now. "I suggest that such action would result in a set-back to the aims of legitimate labour that would require many years to overcome. When I refer to legitimate labour, I mean all labour and not just that represented by the fifteen or twenty per cent which may now be enrolled as members of International Unions. Labour as a whole today, stands to lose far more through passage of any bill which makes collective bargaining compulsory and outlaws independent unions or associations of employees than it can ever hope to gain through the enactment



of such legislation."

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---Witness withdrew.

MR. FURLONG: I now call Mr. Warren K. Cook.

WARREN K. COOK, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Cook, where do you live? A. Toronto.

Q. Who do you represent? A. The Associated Clothing Manufacturers.

Q. Is that a voluntary organization? A. It is an incorporated association.

Q. Do you hold office in that association? A. Yes.

Q. Do you wish to make a statement? A. Yes. I may appear to be somewhat weak, inasmuch as I have no brief or brief-case, but representing an industry that has been dealing with collective bargaining for over twenty years, it was felt that the committee might be interested in the views of an industry that has had that experience.

In the judgment of our association we are entirely in favour of collective bargaining. For a period of twenty years in this industry we have not had a strike, and while we have had our family troubles from time to time---

---At this point Mr. William Wallace, a Toronto insurance executive attending the hearings, suffered a heart seizure and passed away.

MR. FURLONG: Mr. Cook, please proceed.

WITNESS: Mr. Chairman, you may be interested to





know that the Associated Clothing Manufacturers---

THE CHAIRMAN: Pardon me. How many manufacturers are there in the association? A. Twenty manufacturers representing approximately 90 per cent of the industry in Ontario.

MR. FURLONG: Q. And about how many employees?

A. Approximately 5,000 employees.

Q. Proceed, please. A. Probably you will be interested in the methods under which we operate. We have a yearly agreement with the union, and the agreement is renewed each year.

MR. HAGEY: Q. Is that in each individual plant?

A. No; the whole industry. We consider it is a very great benefit to us, because instead of dealing with each manufacturer it becomes an industry problem, and the whole industry is dealt with at one time. The agreement arrived at applies to the entire industry.

THE CHAIRMAN: Q. Are those manufacturers spread fairly well over certain parts of the province? A. They are pretty well concentrated in Hamilton and Toronto; the industry is of a type that it is not spread out very much.

Under the agreement, if disputes cannot be settled by negotiation an arbitration board is set up composed of representatives of the union and of the manufacturers, with an impartial chairman. In very few cases, practically none to speak of, have we been unable to settle our family disputes fairly; but if it does go to arbitration there is an impartial chairman who makes the



decision, and, win or lose, that decision is final and we go on about our business without any interference.

We have had no strikes or labour troubles of any kind, and no stoppages in our industry. There is no such thing; it is prohibited by the agreement. We believe that an agreement of that kind has improved the status of the industry very considerably. The clothing industry as a whole has evolved from sweat shops. Twenty-five years ago clothing was manufactured in basements and attics, under all sorts of conditions, but since we have entered into a collective bargaining arrangement and are working with the union those conditions have disappeared.

Q. What is the name of the union? A. The Amalgamated Clothing Workers of America.

Q. Is that union affiliated with the A.F. of L.?

A. No; they are not. I could not say if they are affiliated with the C.I.O., but it is a C.I.O. type of union. Before we had that type of union to deal with we had to deal individually with every little branch of our industry such as the pressers one day and the cutters another day. Now it is an industry agreement, which is much simpler and permits us to look after our business every day instead of worrying about every individual labour problem.

The sweat shops have disappeared entirely from the clothing industry, and we believe in cooperation between the manufacturers and the union because we have evolved the industry from one of sweat shops to one of consider-



able dignity and importance. Unquestionably the standard of living of the employees has been raised very materially. I grant you that that has not been achieved without a great deal of fighting on the part of the union, because after all, we have some types of manufacturers still who have a hangover from the sweat-shop days and do not like to have certain things inaugurated; but on the whole I think it has improved the industry and made a very definite contribution to the people in the industry.

Q. And to the public at large? A. Yes.

MR. FURLONG: Q. What has been the effect on the consumer? Has it had any detrimental effect on the consumer? It is stated here that it might have.

A. The consumer, insofar as the clothing industry in Canada is concerned, is very definitely getting better clothes at a lower price than can be got in any other country in the world, and that is covering a lot of territory.

Q. Where you have cooperation and goodwill on both sides you can raise wages and lower the cost of the article through increased efficiency? A. Yes. Therefore we have brought in many changes that have greatly improved the product, as well as the lot of the employee.

MR. FURLONG: Q. Would you prefer to go back to the open shop again? A. No. As an industry, if we were given the choice between having an open shop and dealing with the union, we would prefer to deal with the union. Of course, I think it depends on whether you





have an enlightened and reasonable leadership in the union, and the same applies to manufacturers.

THE CHAIRMAN: Q. That is the whole problem?

A. Yes. We would certainly unanimously say in our industry that we would much prefer to have collective bargaining under the plan under which we are working. That does not mean that we do not have certain troubles and arguments, but they are not serious.

MR. FURLONG: Q. No two human beings can live on this earth without argument, and it makes life interesting? A. Yes.

MR. HABEL: Q. Have you operated under the provisions of the Industrial Standards Act? A. All our business is carried on under the Industrial Standards Act of Ontario.

MR. FURLONG: Q. Has the union tried to interfere with your business? A. In talking to one or two manufacturers who are not operating under union control I learned that the greatest bugbear they have seems to be that they are going to run their own shops and not have the union run their shops. I think that is a very mistaken attitude, because insofar as we are concerned we still manage our own businesses. It is quite true that in many cases the union do not permit us to do things we would like to do; but generally speaking probably they are things we should not do. We have a shop chairman in each shop who represents the employees, and if there are minor matters to be taken up, I think he, perhaps, disciplines the employees just



as often as he does the foremen or management for irregularities. Certain things are not permitted, and over a long range view I think in 50 per cent to 75 per cent of the cases the union is right in their contention. It is just an evolution of the treatment of labour. People in our industry have been accustomed to doing many things, and it is difficult for them to realize that they are not good socially or for the industry itself; but they have much to learn. We have learned much as employers. I am not giving the union a clean bill of health, or anything of that sort, and I am not representing the union; but I think they have been responsible for levelling up and improving the whole status of the industry, and as an industry we would very much dislike to go back to the old method of individual negotiations.

THE CHAIRMAN: Q. I suppose you could say that your experience has taught you that in the end, even if unions have made mistakes, they have enough brains to realize that what is good for the manufacturers is good for them, too? A. Yes. If you have enlightened union leadership, which perhaps we have been fortunate in having in our particular branch of the industry, they are very helpful all the way through.

THE CHAIRMAN: Thank you very much for your splendid presentation, Mr. Cook. (applause)

---Witness withdrew.

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MR. FURLONG: I now call upon Controller Sam. Lawrence of Hamilton.

CONTROLLER SAMUEL LAWRENCE, appeared.

WITNESS: Mr. Chairman and members of the committee, I am here by request, to which I very gladly responded, to introduce to your committee the officers, including the secretary who will read a brief, representing the Hamilton Labour Council, which is an affiliated central body composed of workers in some of the largest and most important war industries in the city of Hamilton. There is, of course, present a very large and influential supporting group, some of whom have to go to work on the three o'clock shift, so I shall not take up too much of your time now; but if I may be permitted to say a few words after the brief has been read I will appreciate the opportunity.

It gives me very great pleasure indeed to introduce to you the secretary of the Hamilton Labour Council, Mr. Peter Dunlop, who will read the brief to you.

(Page 1394 follows)





SUBMISSION PRESENTED BY MR PETER  
DUNLOP ON BEHALF OF THE HAMILTON  
LABOUR COUNCIL, ET AL.

PETER DUNLOP, Sworn.

WITNESS: Mr. Chairman and members of the committee,  
first of all I must apologize for not having copies of this  
brief for your use. Unfortunately there were a couple of  
errors in the copies we had prepared and they had to be  
corrected. The purpose of this brief is not to cover the  
ground that the Trade and Labour Congress and the Canadian  
Congress of Labour have already covered before you, but  
rather to show the need of such a bill so far as the  
workers in the city of Hamilton are concerned, and the  
seriousness of the labour situation in that city:

"This delegation of the Hamilton Labour Council  
is composed of representatives of the organized trade  
unions in the following plants:

STEEL COMPANY OF CANADA, Hamilton Works	--	United Steelworkers of America Local 100b.
SAWYER MASSEY CO. LTD.	--	United Electrical, Radio and Machine Workers of America Local 520
OTIS FENSOM ELEVATOR CO.	--	United Electrical Radio and Machine Workers of America, Local 515.
NATIONAL STEEL CAR CORP.	--	United Steelworkers of America, Local 2352.
WELLAND VALE MFG. CO.	--	United Steelworkers of America, Local 2853
INTERNATIONAL HARVESTER CO.-- OF CANADA LTD.	--	United Steelworkers of America, Local 2868.
FIRTH BROTHERS LTD.	--	Amalgamated Clothing Workers of America, Local 210.
CORNELL TAYLORS LTD.	--	Amalgamated Clothing Workers of America, Local 210.



P. Dunlop 1595.

WESTINGHOUSE CO. LTD. -- United Electrical, Radio  
and Machine Workers of  
America, Local 504.

HAMILTON BRIDGE CO. LTD. -- United Steelworkers of  
America, Local 2537.

"The decision to send this delegation to appear before the Select Committee appointed by the Ontario Government to review the Proposed Ontario Labor Bill, was arrived at a conference called by the Hamilton Labour Council, on Sunday, February 21, in which approximately 300 executive members and shop stewards representing thousands of organized workers in the above mentioned plants, participated, and where a serious review was made of the labor-management relationship in this city. The Conference was also attended by two members of the Ontario Legislature, Messrs: J.P. MacKay, a member of your committee, and George Bethune, M.P.P. Controller Sam Lawrence brought greetings on behalf of the Hamilton City Council. Other members of the City Council also attended.

"The conference was unanimous in its opinion that:

1. Organized Labor and workers generally have accepted as their main task the winning of the war against the Hitlerite enemy. They are prepared to back up General A.G.L. McNaughton and our men overseas by further increasing production to supply them with the arms and munitions that will be required when they make their historic landing on the continent of Europe.
2. Trade unions in this city are anxious to co-operate with Management and Government in every way to attain increased production and to maintain harmonious re-



lationships in industry in ironing out through collective bargaining differences and disputes that arise as stumbling blocks in the way of production.

3. Management has refused to accept Labour as a partner in industry and has instead launched an offensive to crush the trade union movement in this city, which is resulting in a crisis that seriously endangers production in this vital war centre. No decisive steps have been taken either by Provincial or Federal Governments to bring about harmony on the Production Front.

4. An Ontario Labor Bill is needed, guaranteeing collective bargaining and trade union recognition and outlawing company unions.

"This delegation has come before you to substantiate the conclusions of the Hamilton Trade Union Conference. We are firmly convinced that all-out production can only be achieved through co-operation between Government, Management and Labour, and therefore urge upon you to bring forward a recommendation to this session of Provincial Parliament to pass a genuine Labour Bill which will make mandatory trade union recognition and collective bargaining. We wish also to lend our support to the briefs and presentations of the District organizations of the United Steelworkers of America and the United Electrical, Radio and Machine Workers of America, the Canadian Congress of Labour, the American Federation of Labour and their local unions.

"We emphasize that a serious crisis exists on the Hamilton Labour Front, which menaces the production of the most vital steel centre. This crisis has been pre-





cipitated by the big industrialists of this city, by categorically refusing to recognize the trade unions of their workers and bargain collectively with them."

THE CHAIRMAN: Q. Are there no manufacturers in the city of Hamilton that have entered into collective bargaining agreements with the unions? A. None of the main war plants have agreements with unions. Other than the two clothing manufacturing plants I have mentioned these plants have no agreements for collective bargaining with the local unions in their plants.

MR. FURLONG: Q. Have the locals of the Trades and Labour Congress any craft agreements there? A. There may be some craft agreements, but they are mainly in the building trades and not with the big industrial plants of the city of Hamilton.

THE CHAIRMAN: Probably you will catch up with Windsor after a while!

WITNESS:

"It has been sharpened by the vicious attacks that they have made against the trade union movement through leaflets and paid newspaper advertisements and by their campaign to organize company unions. There remains no doubt in our minds that this is an organized offensive on the part of the big industrialists to quash the Labour Bill and to crush the trade union movement in this province.

"Since the announcement that a Labour Bill would be presented to this session of Parliament was made by Premier Gordon Conant, Labor Minister Peter Hoenan and Mitchel Hepburn, Hamilton became the centre of a



frenzied 'company union' campaign. Overnight, Welfare Associations, Employees Associations, etc., that were in existence, were transformed into bargaining agents of the workers in the plants. Where none existed, they were organized by company officials, contracts were signed covering workers who had no knowledge that such organizations were even in existence. Workers were coerced to join these 'unions' by foremen and superintendents. Numerous methods are used: some are threatened, others are tricked into signing cards without knowing what they are, others are promised increases in pay. This 'company union' campaign has been linked up with a campaign of slander against the legitimate unions chosen by the workers, a flat refusal by the companies to enter into collective bargaining with unions that have through vote established themselves as the bargaining agency of the majority of the workers.

"In Welland Vale Manufacturing Co., for instance, where almost 100% of the workers voted for the United Steelworkers Union as their agency, when the union attempted to open negotiations for a contract, the management replied that it would recognize the union under no circumstances and rather than sign a contract would close the plant and produce the shovels that they are manufacturing here, in the United States."

THE CHAIRMAN: Q. How was that vote taken? A. I will have to enquire from the delegation, sir.

Has any member of the delegation any information as to how the Welland Vale vote was taken?



I believe it was taken with the plant management and the workers; that is, no government vote.

MR. HABEL: Q. By secret ballot? A. Yes, by secret ballot.

MP. MACKAY: Q. Had they not got any further with that after you had that vote? A. Well, when the union attempted to negotiate over a contract the management replied that it would recognize the union under no circumstances, and rather than sign a contract they would close the plant and produce the shovels they are manufacturing here in the United States. The issue there was that they should not sign a sole collective bargaining agreement.

THE CHAIRMAN: Q. They had no objection to the terms of the agreement but they did not want to grant recognition? A. Yes, recognition was not to be given.

"In the Sawyer-Massey Company, the company union came into being after a government-supervised vote was taken which resulted in an overwhelming victory for the union. The company has broken off negotiations with the union and is using the 'company union' to split the workers in the plant. There can be no doubt the source from which the Employees Association sprang in the Sawyer-Massey. R.R. Evans, K.C., a lawyer retained by the Sawyer-Massey, Ltd., is also the lawyer for the Sawyer-Massey Employees' Association."

That was a vote that was asked for by the company, gentlemen. The company wrote in conjunction with the union to the Ontario Government, and the government man came in and took the vote, as the result of which the union won over two to one, and the company union sprang up; and the negoti-





ations are at a standstill on the question of recognition.

MR. HARRISS: Mr. Chairman, I represent the Sawyer-Massey Limited, Hamilton, and would like to make an observation.

THE CHAIRMAN: Yes.

MR. HARRISS: The fact of the matter is that Mr. J.L. Cohen, K.C., was to draw up an agreement, himself having ruled out the previous agreement submitted, and the company has not yet received the re-drawn agreement.

MR. MACKAY: Is Mr. J.L. Cohen drawing this agreement on behalf of the company?

MR. HARRISS: On behalf of the union.

THE CHAIRMAN: How long ago?

MR. HARRISS: The last meeting we had was on the 3rd February, and the agreement was to be submitted within the next two days, but to date we have received no copy of the agreement.

MR. MACKAY: Is it fair to ask you whether your company is agreeable to signing this agreement?

MR. HARRISS: Yes, we entered into negotiations after the vote, and we are quite prepared to sign an agreement mutually agreeable to both parties.

WITNESS: The president of that local union is here, Mr. Chairman, and probably he can deal more efficiently with the question if you would like him to do so.

THE CHAIRMAN: Yes.

WITNESS: Then I will call Mr. Floyd Walker here to deal with this question.

THE CHAIRMAN: Mr. Walker, will you please step forward and be sworn.



MR. DUNLOP: Mr. Chairman, the remarks of the previous speaker were not made under oath.

THE CHAIRMAN: We will put him under oath if necessary. He only wanted to ask a question.

---Witness Dunlop stood aside.

---

FLOYD WALKER, Sworn.

THE CHAIRMAN: Q. You heard what Mr. Harriss said?

A. Yes.

Q. He said that Mr. J.L. Cohen was to draft an agreement and submit it to the company, and that it has not been submitted? A. That is quite right. I wonder if I might be allowed to give a little outline of the situation as to the Sawyer-Massey Company?

Q. Yes. A. The vote was taken on the 4th December, 1942, supervised by the government. The vote was won 2 to 1 in favour of the U.E., 250 to 131 in favour of collective bargaining.

Q. "U.E." being? A. The United Electrical, sir. The company agreed to negotiate at any time we were ready, but it took us a good month to get a hearing of any kind with the management. Finally we arranged for a hearing, and a committee of six were chosen, - we added two more to that committee, I believe - and it happened that on January 7 we had a meeting with the management, Mr. R.R. Evans being present. We talked over several of the clauses in the agreement, stuff that was already in effect in the plant, and naturally they were quite agreeable. We did not argue about any of that stuff.

We came to the question of seniority rights and griev-



ances in the shop and they could not see us. Seniority rights, yes, if they were allowed to dictate terms as to the seniority rights and <sup>choose</sup> the men they thought were entitled to seniority rights.

MR. MACKAY: Q. Mr. Harriss suggested that the first contract was not satisfactory, and that Mr. J.L. Cohen is drawing up a second one. Is it the first one you are talking about? A. Yes, sir.

Q. The clauses to which they objected were in the first agreement? A. Yes.

THE CHAIRMAN: Q. How is seniority determined, on length of service? A. Yes.

Q. Why should there be any dispute about it if it is purely a matter of seniority? A. I cannot understand that, sir. We asked for seniority rights on the man's length of service with the company.

MR. HARRISS: Q. That is in relation to promotion and lay-offs? A. In any sense of the word, I believe.

THE CHAIRMAN: We will hear you a little later, Mr. Harriss, in reply to anything Mr. Walker says.

MR. HARRISS: Thank you, sir.

WITNESS: A second meeting was arranged about a week later, and we were told about the Sawyer-Massey Employees' Association. At this meeting Mr. C.S. Jackson was quoted on one or two occasions. This meeting also ended without anything being accomplished.

At the second meeting Mr. Thormahlen stated that he would sign a contract with the U.E., but if at any time the membership dropped below 51% the contract would be void. At the same meeting in the next breath he said he would





sign a similar contract with any group or groups of employees, regardless of number.

Up to this time Mr. Thormahlen had been very good-natured about the whole thing, praising the members of the committee on their behaviour, and so on, as also did Mr. Evans, the company lawyer.

Approximately another week passed when another meeting was attempted with Mr. C.S. Jackson present - at the gate. The management refused to meet with Mr. Jackson, and therefore this meeting was cancelled for one week because of Mr. Hunter's absence. Mr. Hunter had another engagement and could not be there.

Q. Who is he? A. Alderman Hunter of Hamilton.

Q. The well-known representative? A. Yes. We arranged for a meeting the following Tuesday at which Mr. J.L. Cohen would be present on our behalf. In view of the fact that the company had Mr. Tony Evans representing them we figured we were entitled to legal counsel, also, for after all we are just a bunch of workers and they could out-talk us very easily. The management was very put out to think that we would do such a thing, but Mr. Cohen was admitted after some discussion with armed guards and telephone calls to Mr. Thormahlen from the main gate.

However, after the management met Mr. Cohen they were very much pleased, and said they believed we should have had him from the start. We went over the entire contract, and it was to be redrafted with minor changes.

MR. MACKAY: Q. What were the changes? A. Offhand, one change was that we should not have the sole bargaining rights for all of the employees of that shop.



THE CHAIRMAN: Q. That would not be a minor change but a major change? A. Yes, a major change; the rest of them were minor. We have the original contract and also copy of the management's proposals here, and I would like to have them submitted to you for your examination.

MR. MACKAY: Q. You can submit them as exhibits.

A. I will have to enquire if they are in the possession of any of the delegates.

MR. FURLONG: Q. It may have taken a little longer than you anticipated, but the company is now willing to sign an agreement with you. Is not that going to end all your troubles? A. They have given me no indication at all that they will sign the agreement, even as re-drafted by Mr. Cohen; it all depends on what is in it. Furthermore, we do not feel that we should have six, eight or ten agreements.

Q. I do not imagine Mr. Cohen would draw an agreement like that. If Mr. Harriss is satisfied with the agreement Mr. Cohen draws, I am satisfied that that agreement will give you what you want? A. If the management will sign the agreement Mr. Cohen drafted we will be tickled to death, but we have received no encouragement at all that they will sign the agreement. As I understand it, we should bring the contract in and they will read it over and see us next week, and let us know some more about it, and see us the following week.

THE CHAIRMAN: Q. It will take some time. The vote was last December? A. Yes.

MR. MURRAY: Q. If I understand this collective bargaining bill, that is where the government tribunal will



step in, if there is a disagreement over the contract. This bill would compel both parties to bargain. It appears to me that they will not always come to an agreement, and the Tribunal will have to deal with that. A. We have written for a Commissioner, and they sent Mr. Perkins in to investigate this case. We had a talk with Mr. Perkins for a couple of hours, and he returned to Toronto, saying he would recommend a Commissioner. Since that time we have heard nothing, and that is approximately a month ago. Yesterday we sent a wire to ascertain what happened to our Commissioner.

MR. HAGEY: Q. Your complaint is that there has been unnecessary delay? A. Yes.

Q. But you cannot expect them to move until you put your agreement in front of them and show them what you want.

A. The second agreement is not in front of them. This is the first intimation I have heard that the company is agreeable to signing it.

MR. FURLONG: Q. It is a good job you came down here.

A. Yes, it is. They have repeatedly asked me for this contract.

Q. Get the agreement and put it in the hands of Mr. Harriss, and then perhaps your troubles will be over.

A. I hope so. Is it satisfactory for me to go on?

MR. MACKAY: Q. Is there anything else you want to say? A. Well, there is some more stuff here that I would like you fellows to know about.

THE CHAIRMAN: Q. Very well, go on. A. Perhaps this will enlighten you fellows, too: We went over the entire contract, and the contract was to be re-drafted with minor





changes by Mr. Cohen on Wednesday. This meeting was on Tuesday.

MR. MACKAY: Q. What date or how long ago? A. I do not know.

THE CHAIRMAN: Q. You had a meeting on the 7th and about a week later you had another meeting? A. Yes; the dates of these meetings are in our records.

MR. MACKAY: Q. Mr. Cohen has had time to get the agreement to you since January? A. We have the second contract in the union office.

Q. Have the Sawyer-Massey Company had it yet? A. No.

THE CHAIRMAN: Q. How could they sign the agreement before they had seen it? A. They could not. Let me finish and I will explain.

Q. Proceed. A. We arranged to meet on Thursday at 10.30 a.m. to finalize and sign the agreement. Mr. Evans, Mr. Cohen, Mr. Thormahlen, and Mr. Harriss were the negotiating committee and we felt that we had accomplished a good deal. The next note I have is that the meeting was postponed because Mr. Evans was not available.

THE CHAIRMAN: Q. He may have had the 'flu? A. Yes. Following this postponement the management attempted to intimidate the employees by sending through the mail a very discriminating six-page letter to every employee.

MR. MACKAY: Q. Have you a copy of that letter?

A. Yes, that is the only thing I brought with me.

Q. You had better read the letter. A. Very well, sir:

"SAWYER-MASSEY, LIMITED,  
HAMILTON-CANADA



"February 3, 1943

"TO EACH EMPLOYEE OF SAWYER-MISSEY, LIMITED

"Since the outbreak of war the employees of this Company have rendered faithful and honourable service to the Nation," - which is very true, gentlemen - "the Empire and our men on the fighting fronts" and I appreciate your loyal and unstinted efforts and the friendly relationship which has existed between you and me.

"It has always been my policy to take the employees into my confidence where matters affecting the employees are concerned. A situation has now arisen which renders it imperative that you as the producers in this plant should be made fully aware of what has been transpiring.

"First of all, however, I wish to place my views before you.

"I believe,

(a) that every employee is his own free man and free to join or to refrain from joining any union or organization and is entitled to be governed by his own free choice.

(b) That no employee should be put in the position where he may be obliged to join any union or organization against his own free will."

We agree with that too, gentlemen.

"(c) That no employee's job should be endangered because he is a member of a union or organization and conversely that no employee's job should be endangered because he has refrained from joining or refused to



join any union or organization.

R. Walker

1966.

"With the above fundamental principles in mind I now propose outlining to you what has transpired, since each and every one of you is vitally affected.

"In November last, C.I.O. organizers claiming to represent a substantial number of our employees, approached me requesting a conference for the purpose of discussing with them what they called a Collective Bargaining Agreement. This was followed by a request for a plant vote, in which you were asked the plain bald question -"

The Organizers in this case were two men, one of whom is still working in the plant, I believe, although I am not sure, and the other is in the Air Force now. He was a drill hand or boring mill operator in the plant. The plain bald question was:

"'DO YOU WANT TO BARGAIN COLLECTIVELY WITH YOUR EMPLOYER THROUGH A HAMILTON UNION OF THE U.E.(C.I.O.-C.C.L.)'

"A substantial number of employees voted 'Yes' and a substantial number of employees voted 'No.' The 'Yes' votes were in the majority.

"As a result of this vote the C.I.O. organizers" - Again the organizers were working in the plant - "requested me to meet them in further conference and this I did. Several lengthy conferences have now been held.

"The facts are as follows:-

(1) The C.I.O. prior to the vote, asked for collective bargaining rights and after the vote extended this into a demand for the sole bargaining rights. This means that the C.I.O. demanded the right to represent and control all employees - Union and non-Union alike."





We do not want to control anyone. If a man does not want to join a union that is entirely up to himself.

MR. MACKAY: Q. In the matter of control do they mean that if the union got the bargaining rights in the shop it would have the bargaining rights for 100% of the workers? A. If there is any bargaining to be done.

Q. But is that what they mean by that clause in the letter? A. It is quite possible that it is, but the average person reading this letter would think we want to put chains on them.

THE CHAIRMAN: Q. I was wondering if there was any difference of opinion about having segments among the employees? That has been brought up before, and some union men admit that it is necessary in large industries that there shall be more than one collective bargaining agency, but only one collective bargaining agency for this division, and another for that division. Do you understand what I mean? A. Yes, separate lines of work.

Q. Do you agree with that? A. Yes.

Q. Is that what they are talking about in that letter?

A. It is all the same kind of work in our shop: making shells, axles for guns, electric furnaces, - all the same kind of work. Then:

"I did not feel free to accede to this demand insofar as non-Union employees are concerned, not only because of the principles above enumerated, but also because a very substantial number of employees had clearly and distinctly, by their vote and by subsequent action in the form of an ultimatum to the Company," - I do not know what the ultimatum is. I heard there was a petition posted up to



the effect that we were free Canadians and felt that we were quite capable of bargaining for ourselves -

"... registered open opposition to being subjected to the domination or control of the Union and were also entitled to consideration and to exercise their right to rule and govern themselves and their own affairs."

We have no objection to that, even in our contract. If any man in the plant has a grievance, it is not compulsory for him to go to his union steward; he can go to his steward or his foreman. If he asks us to take up his grievance, we are willing to do so; but we do not compel any man to come to us. Then:

"(2) The union, after the vote, sought the installation of the 'check-off' system, which means that the company would be obliged to deduct from the payroll envelopes the amount of Union dues payable by its members."

We did not ask for it. It was a counter-suggestion. They wanted to look at our books every month to ascertain who were members and who were not members. We told them that a good way to know who were members and who were not members of the union was to take the check-off.

"(3) It then developed that the 'check-off' was linked with another feature, namely, the insertion in the agreement of what is called a 'Maintenance of Membership Clause.'."

That was talked about, but we are not in favour of it.

"It developed that such a provision meant that every employee who became a member of the Union must contin-



ue as long as he remained an employee of the Company to pay Union dues, even though he desired to resign his Union membership and that the Company would be obliged to deduct Union dues from his pay envelope and pay the same over to the Union or discharge such employee."

We made no such demands at all. The impression conveyed here is that we went in there and demanded this stuff, which we did not.

THE CHAIRMAN: Q. It was not in the contract? A. No; our original contract will show that, sir.

"I was not and am not prepared to enter into an agreement with anyone which would force my employees to pay dues as a condition precedent to employment in our plant.

"(4) The Union, after the vote, demanded the insertion in the agreement of seniority provisions which in effect were designed to accord preference," - I certainly wish I had those agreements here - "in the matter of promotions and lay-offs, etc., to its members through the medium of the machinery which it sought to set up.

"I was unwilling to accede to this demand, but was prepared to consider a provision assuring fair seniority rights to all."

As I understand it, they would have the right to decide which was fair and which was not fair, and we would not have very much to say about it.

"(5) The Union, after the vote, further demanded insertion in the agreement of grievance machinery





provisions which in effect would vest in the Union complete control and domination over all the employees of the Company whether members of the Union or not.

"I was unwilling to accede to this demand insofar as it affected employees who were not members of the Union. Those employees have their rights too and it is my belief that those rights must be protected and preserved.

"I am sure that all fair minded and unprejudiced employees will agree that any agreement entered into by the Company dealing with matters affecting the welfare of employees, must be beneficial to all - Union members and non-Union employees alike - and I do not feel that I would be justified in 'selling out' my non-Union employees by entering into any other type of agreement with anyone."

I am sure Mr. Cook, who gave the committee some information this morning, would not send out a letter like this, gentlemen!. Mr. Cook seemed pretty well satisfied with his union members.

"Since I was not prepared to meet these demands the Union retained as its legal adviser, J.L. Cohen, prominent in C.I.O. affairs, and he sat in at a meeting held yesterday. He agreed with my objections to the original unreasonable demands of the C.I.O. organizers and proposes re-writing entirely new proposals for consideration. It remains to be seen what these new proposals may be, but I felt you should know all the facts to date.

"(6) In November last the Company decided upon a policy of paying time and one-half for hours worked



in excess of 48 in any one week and also for Sundays and Legal Holidays. This would mean, in effect, that a conscientious employee working a full week's shift would receive time and one-half for time worked over 8 hours per day, as compared with the present basis of time and one-half after 10 hours in any one day and 55 hours in any one week. The Company proposed in November to immediately make application for the necessary permission from the Regional War Labour Board when I learned almost simultaneously that the C.I.O. organizers had applied to the Department of Labour to supervise the vote in our plant mentioned above."

I do not know that the C.I.O. organizers applied any more than the Company did; they both sent for it.

"Obviously the Company's application to the Regional War Labour Board had to be delayed until the outcome of developments arising from the C.I.O. organizer's action became apparent. As a result of the Union's activities, insofar as the Company is concerned, payment of overtime to our employees on the revised basis has already been delayed at least two months."

That is when this letter came out, of course.

"While the representatives of the C.I.O. have given me to understand that they subscribe to the above revised basis of paying overtime, they do not wish it to become effective until they secure a Collective Bargaining Agreement. Rather than further prolong the delay, however, the Company applied some days ago to the Regional War Labour Board for the



necessary permission to commence paying overtime on the above basis, qualified by a provision to protect the employees that should an employee be prevented from completing 48 hours in any one week by reason of illness, lay-off or other unavoidable cause,...."

I do not believe we would have very much to say about what was an unavoidable cause, gentlemen. Then:

"...overtime should be paid for all hours worked over 8 in any day of any such week and that where a Legal Holiday occurs during a working week, the basis of computing overtime for that week be correspondingly reduced. Incorporated in our application also is a request for approval to pay a 5¢ per hour bonus, over and above day shift rates, to those workers on night shifts.

"Absenteeism has been a serious production factor and I am hoping that if the requisite permission is granted by the Regional War Labour Board, the proposed plan will be an incentive against continued absenteeism and at the same time it will place a large additional amount of money in the pockets of the employees.

"In conclusion may I make it clear that I am not in any way opposed to the Union or to the Sawyer-Massey Employees' Association, or to any other number of employees associated together for their own purposes and for their own needs. I only hope for harmony, co-operation and the maintenance of the enviable production record established by you through your own labour and your own hands.





(Sgd.) "SAWYER-MASSEY, LIMITED

"A.O. Thormahlen,  
"Vice-President and Managing  
Director."

---EXHIBIT NO. 175: Letter dated February 3, 1943,  
from A.O. Thormahlen, Vice-president  
and Managing Director, Sawyer-Massey,  
Limited, Hamilton, to each employee  
of Sawyer-Massey, Limited.

THE CHAIRMAN: Q. I should think, Mr. Walker, that  
with a letter like that on one side and you with your good  
nature on the other side, you should be able to get to-  
gether without any trouble at all. A. Well, before  
coming here, sir, I went to see Mr. Harriss and Mr. Ingram  
and told them that I was coming down here, but suggested  
that if they were prepared to sign the contract there would  
be no need for me to come here at all.

Q. We are glad you came. A. Apparently they were  
not ready to sign anything, so we did not accomplish very  
much.

MR. HABEL: Q. Did you get the increase in wages  
that they were asking through the War Labour Board? A. No.  
We were asked to send jointly with the association and the  
company to the War Labour Board for this raise.

Q. And you did not apply to the Board? A. No; we  
have not applied for it. We do not think we should link  
our name with the shop association. When they are pre-  
pared to sign a contract with us, it is all in our contract.  
I do not see why we should split our contract up into  
little bits and send it down to the War Labour Board.

---Witness withdrew.

THE CHAIRMAN: Now, Mr. Harriss, would you like to  
give evidence?



MR. HARRISS: I believe my purpose has been achieved, Mr. Chairman. Unless you have some purpose in calling me before you, I am content. I would like to thank Mr. Walker for his beautiful reading of the letter!

THE CHAIRMAN: You people ought to get along all right.

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MR. DUNLOP: Mr. Chairman, probably Mr. Hunter can make the point I was going to try to make, since he knows all that went on. I think the committee would be better informed if he were to appear before them.

THE CHAIRMAN: Very well.

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HARRY HUNTER, Sworn.

WITNESS: Mr. Chairman and members of the committee, on the question of the Sawyer-Massey situation I would like to clear up a couple of points in regard to Mr. J.L. Cohen. Mr. Cohen came into the situation at the request of the union in order to try to establish contractual relations with the company. Mr. Cohen was present with the union delegation and the union management and it was agreed that he would attempt to draw up a contract which would be submitted to the parties for further discussion. That was on the 2nd February, I think. On the 3rd February the document Mr. Walker has just read was in the hands of or had been mailed to all employees. Also Mr. Cohen was informed by Mr. Evans, the attorney for the company, that they would not be able to meet at the arranged date, which was the next day. We considered that the mailing of such a document was in distinctly bad taste and bad faith, in view of the fact that



we had the day previously decided that we would attempt to iron out the difficulties that had arisen. As a matter of fact, I do not think anyone would say, after studying that document, that it was intended to make for better and more harmonious relationships.

Then one or two days later Mr. J.L. Cohen was appointed to the War Labour Board, and dropped out of the picture. The contract has not been delivered. The whole situation has been placed in the hands of the federal department of labour, and the last word I have on it arrived yesterday, to the effect that the advice is that a board of conciliation be applied for to decide this question.

MR. MACKAY: Q. Before that board of conciliation is applied for would it not be advisable to present the second draft contract to the company? A. The local union feels this way about it: The original document as prepared by the union is a reasonable document and was prepared for the purpose of being placed before the board of conciliation for discussion and decision. I could read to you what caused the dispute. I think it would be of interest to your committee. May I read to you the recognition clause, with which you are interested:

#### "RECOGNITION

"The Company agrees to recognize the Local Union as the Bargaining Agency of its members as long as the Local Union represents through its fully paid-up members in good standing fifty-one per cent of the eligible employees in the Company's employ. The Local Union agrees to submit to the Company, at least quarterly, a list, verified by affidavit or statutory





declarations, of its paid-up members in good standing, and the Local Union shall cause the members of the Local Union to produce their membership books for inspection by the Company upon request. Any employee refusing to produce his book for inspection, upon request, may be considered not to be a member of the Local Union in good standing. If the Local Union fails to represent a majority of the eligible employees of the Company by virtue of its paid-up members in good standing falling below the stipulated fifty-one per cent, or otherwise fails to comply with this paragraph, the Company may, by notice in writing given to the Local Union cancel and exterminate this Agreement. "

MR. FURLONG: Q. Is that the company clause? A. That is the proposal of the company, sir.

MR. HABEL: Q. You said Mr. Cohen dropped out of the picture a few days after that meeting, and that there was no second contract drawn. I understood Mr. Walker to say there was a second contract in the office of the union, and that Mr. Evans, the legal representative of the Sawyer-Massey Company, was unable to attend the meeting. A. Yes.

Q. So the contract is really drafted? A. It was drafted and sent to the local union, but was not sent to the management because of the fact that Mr. Cohen considered that the management had acted in bad faith in releasing this letter to the employees.

THE CHAIRMAN: Q. Did Mr. Cohen tell you that?

A. Mr. Cohen was quite enraged. The agreement was that he would send it to the company and the union. I had



received copies. The agreement was that the local union would decide as to whether or not they would go ahead with this question. Now the local union is taking the position that it will go before the conciliation board with the old contract as the contract.

MR. ANDERSON: Q. You feel that the company has broken faith? A. Yes.

THE CHAIRMAN: Q. Is not that an extreme view to take? A. I do not think so, sir.

Q. The non-union workers sent up a petition, Mr. Hunter, saying they did not want anything to do with the union and asked the company to protect them, and the vice-president sat down and wrote the letter? A. Yes.

Q. Probably the fact of the matter is that if Mr. J.L. Cohen had not been transferred to another field of activity you might have had the whole thing settled?

A. I hope so. I could not guarantee it. Even Mr. Cohen has his limitations.

Q. Why don't you get another lawyer and settle it?

A. I would like to point out that we have been led to believe that the attorney for the company also had something to do with drawing up the constitution of the Sawyer-Massey Company union.

Q. I think that has been denied. A. Perhaps it has, but we have reason to believe it is correct. At any rate, we pointed out that it would perhaps be better if Mr. Evans was not present at any future negotiations. Since that time we have received no reply to that letter, and that is how the situation stands at the moment. An investigator has investigated the situation, and the Federal



Department of Labour are recommending that a board of conciliation be set up in this case.

MR. DUNLOP: Q. Has the relationship between the union and the management been more or less the same from start to finish, or has there been a change? A. In my opinion there has been a distinct change. I may say that the management of the company in the first place were very co-operative. Mr. Thormahlen investigated the status and history of the U.E.R. and was of opinion that he could do business with that union. But something happened, and after the vote was taken the company union came into being, and we ran up against this clause on recognition, a clause which we could not accept; and since that time certainly relations have not been of the best, but have deteriorated. That is the situation, Mr. Chairman.

MR. FURLONG: Q. Would you accept a clause if it provided that the agreement be for one year? A. Yes, that was our proposal.

Q. And at the end of the year it would automatically expire and you could negotiate another agreement with whoever was the bargaining power as the result of a 51% majority? A. Yes, we did not ask for a closed shop.

Q. Once you make an agreement you do not upset it every three months? A. No.

Q. Don't you think your proper method now, regardless of your complaint and in the interest of trying to get the difficulty solved, is to submit the agreement you desire before trying for a board of conciliation? A. We have submitted an agreement that we think is a reasonable document, and we are prepared to discuss that.





Q. The board of conciliation has no power to make an agreement. All you get out of that is a vote to determine the bargaining agent. A. We have had that.

THE CHAIRMAN: Q. Mr. Harriss says they have not got the second agreement that was agreed upon to be produced. You can surely take Mr. Walker with you and sit around and settle the matter amicably? A. I am willing to try, but this has been going on since December 4 and the company have not backed up on the question of this recognition clause.

Q. Go in and give them a good argument on it. A. I will try.

MR. MACKAY: Q. If the board of concilitation is set up, have they the right to force conditions on you or on the union or on the company? A. No; unfortunately they have not. That is why I think your committee can do a good job, because we have nowhere to go, only to a conciliation board.

THE CHAIRMAN: Q. That legislation is a little archaic.

A. I would like to point out, further, that the management have declared that they will sign a similar agreement as is signed by us with any number of groups that represent themselves to be organizations in that plant.

MR. ANDERSON: Q. They want the privilege of recognizing a minority group? A. Yes.

---Witness withdrew.

---Whereupon the committee adjourned at 1.00 o'clock until 2.00 o'clock p.m.

#### AFTERNOON SESSION

---Upon resuming at 2.00 o'clock p.m.

THE CHAIRMAN: The committee will please come to order.



MR. FURLONG: Mr. Dunlop will resume reading his brief, Mr. Chairman.

PETER DUNLOP resumed the stand.

WITNESS: I think we had finished with the Sawyer-Massey Company, Mr. Chairman. The following are a few notes on what is going on in Hamilton:

"In the Hamilton Bridge Company where the company refused to negotiate with the union, the United Steelworkers of America have the majority of the workers in their union and were granted a Board of Conciliation. The management, being aware of the Board, in the meantime signed an agreement with their shop committee (company union) claiming that it represents the majority of the workers in their plant, despite the fact that the union has enrolled approximately 700 of the 1100 employees.

"The National Steel Car Corporation provided an office in its administration building for the officials of the National Steel Car Employees Association."

MR. MACKAY: Q. Would you tell the committee how far the Hamilton Bridge Company has gone? A. The board is now sitting on that question, and an agreement was signed by what is called a personnel committee, that is a small committee of the large committee in the shop. The workers are not aware of what is in the agreement; nobody knows except those who signed it what the agreement contains. It has never been published. The first notification came with the announcement of the board.

Q. Am I correct in saying that while the negotiations were going on with the union organization the Hamilton



Bridge works set up a company union? A. It is our opinion. This shop union certainly was set up after the union had started; the union itself, I believe, had a representation on the shop committee of approximately twenty representatives out of twenty-five; there were three or four who were not members of the union.

THE CHAIRMAN: Q. I beg your pardon? A. On the shop committee there were approximately twenty men who were members of the union, actually elected on that shop committee. Then:

"The Westinghouse Company has provided office space for the Westinghouse Employees' Association in both the East and West end plants.

"The above mentioned examples are overshadowed by the vicious campaign that has been launched by the Steel Company of Canada and the Otis Fensom Elevator Company against their employees' unions. In both these plants their respective unions, the United Steelworkers of America Local 1005 and the United Electrical and Machine Workers of America Local 515, claim to represent the majority of the workers in the plants and are prepared to prove this by a government-supervised vote.

"In both cases the unions have attempted to open peaceful negotiations with the managements. They have stated their determination to do all in their power to maintain and increase the output of steel and guns for victory. But instead of co-operation their attempts have been met by a campaign of misrepresentation and slander. Full page advertisements were published in all the main newspapers across the country by Mr.





McMaster of the Steel Company of Canada, and Mr. Black of the Otis Fensom Company, describing the unions as being irresponsible, trouble-making organizations, dominated by 'out-siders' and fomenters of strikes. The declared policy of both these unions has been, 'No strike in war-time'. These advertisements were in answer to the unions' desire for peaceful negotiations and their application for a Board of Conciliation to avert a serious crisis. In both cases the managements wrote to the Federal Minister of Labour urging that the Board not be granted.

"Mr. Black's letter which was published in the Otis Fensom Company advertisement, resulted in a sharp rebuke from the Minister of Labour, the Hon. Humphrey Mitchel in the form of a letter published in the Hamilton Spectator on Monday, March 15, which reads in part: 'The refusal of a request to enter into a collective agreement and to recognize a union clearly constitutes a dispute within the meaning of the Act (the Industrial Disputes Investigation Act) and has been so held by an official ruling of the Department of Justice', and further: 'I cannot share your alarm about the possible consequences of the appointment of a Board of Conciliation and investigation, even if, at the very worst, only a negligible minority of your employees were in favour of the application. There can be little to fear from disinterested inquiry and recommendation. Neither can you fear that the Board procedure may give a union an opportunity for publicity since few boards proceedings or recommendations



get as much publicity as you have already, by newspaper advertising and otherwise, given your letter'.

"In our opinion the aforementioned incidents, which are but a few, are examples of deliberate provocation on the part of these Hamilton manufacturers and has resulted in the present unhealthy and very dangerous situation that exists today in one of the most important war production cities in the Dominion. We reiterate our belief that these actions are an organized attempt on the part of numerous big industrialists of this province to smash the trade union movement and to kill the Labour Bill. They can lead to nothing but disunity, disruption of production and curtailment of the total war effort of our nation. For this organized labor cannot be held responsible.

"Full co-operation of management-Government and Labor is the only solution for total war production. The organized workers of Hamilton and the whole of the Province of Ontario, welcomed the statements that a Labour Bill would be passed by Parliament. Since the Bill was shelved and your committee was appointed to review the question, a determined demand has come forward that the Government of Ontario not allow itself to be influenced by the anti-total war, anti-labor forces in this province, who are prepared to substitute the war against Hitlerism by a war against Canadian labour in their attempt to safeguard their own selfish interests. This demand has not come from labour alone, it is supported by people of all walks of life. The Hamilton City Council has gone on record



urging that Ontario Parliament pass a Labour Bill. The Hamilton East End Liberal Association supported the statements made by Mr. J.P. MacKay supporting the passing of the Bill, guaranteeing Collective Bargaining, trade union recognition and outlawing company unions. The total war people of the Province demand it. They recognize that a genuine Labour Bill will go a long way to bring about harmony on the production front, will solve the crisis that exists in Hamilton and other industrial centres, and pave the way for government, management-labour co-operation for production for victory.

"1943 is the decisive year of the war. The declarations made by President Roosevelt and Prime Minister Churchill since the Unconditional Surrender Casablanca Conference, point to the tasks that all of the united nations must shoulder. Our boys overseas stand prepared to launch the offensive that will strike the crushing blow against the fascist Axis. Their responsibility to victory is great -- ours is equally great. We must supply them with the tools that will stamp out the enemy. We solemnly urge, that your committee makes its contribution by recommending to Parliament that the Ontario Labour Bill be passed; that it guarantee collective bargaining, trade union recognition and outlaw company unions. The passing of the Bill will give the workers of this Province the assurance that they need, that the government is giving the lead to the total war effort of this country and accepts labour as an indispensable partner."





Mr. Chairman, the purpose of the Hamilton Labour Council in submitting this brief is to endeavour to bring to your committee's attention the serious situation that exists in the industries in Hamilton. Those of us who are fortunate enough to hold leading positions in the labour movement in that city are doing all we can to ensure that there shall be no stoppage of production. We intend to do everything that we can towards the winning of this war; but, nevertheless, we feel that there are industrialists in the city of Hamilton who think the war is pretty well won and who would like to get rid of the trade unions and be in a safer position after the war. That is our opinion of these people, gentlemen.

Now, there are workers here from the various plants in Hamilton who may be able to substantiate the material contained in the brief, if the committee would like to hear any of them. The president of the union in the National Steel Car Company is here and can give you details of the actual situation, and there are executive members representing the workers in the Otis-Pensom Elevator Company present, if the committee would care to hear them as to the situation within that plant.

(Page 1428 follows)



WEDNESDAY, MARCH 17, 1943.  
AFTERNOON SESSION.

THE CHAIRMAN: We have been sitting here for weeks now, and we have heard a lot of evidence from both sides, and the middle course and all the rest. If there are any members of the delegation who think they can add anything to the reason why there should or should not be a collective bargaining bill in this province we will be glad to hear them. We have had evidence of discrimination, intimidation and so forth. We know pretty well, or, if we do not, we should, the real question in issue here.

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WILLIAM ROBERTSON, (sworn):

I carry no written brief in respect of this question, but I would like to give you what has opened in the National Steel Car. There, it is regrettable to say, twice they have gone on strike. As a result of the first strike we had a controller appointed to the National Steel Car. The name of that controller was E. J. Bruning.

THE CHAIRMAN: Q. About what was the first strike? A. To claim union recognition.

Q. And the second strike? A. The second strike was on the same policy. Mr. Bruning, when he arrived, we understood, was going to undertake negotiations with our union, so we returned to work. For a period, Mr. Bruning remained in office there. He clearly showed he had no intention of recognizing our



union.

Q. Who was he, anyway?

A. Mr. E. J.

Bruning was the director appointed by the government, or, I should say, the federal government, to that plant. He was president of the consumers glass, I believe.

During the period he was present we received from the government an agreement that there would be a vote taken in the plant regarding the desire of the men in the plant as to whether they wanted a collective bargaining agency. When the vote was taken it turned out slightly in excess of 87% desired their local union. That was the Steel Workers Union.

The government, after the vote was taken, declared that as the plant was now a Crown agency they could no longer agree to a bargain with the union. To that extent they refused to recognize <sup>and</sup> a bargain with ~~as~~ as a union.

Mr. Bruning's attitude was pretty hostile to our organization. It was hostile to the extent that seeing the trend of affairs the members of the local got hostile and decided once again to strike. The second strike was called for union recognition plus the removal of Mr. Bruning.

On the fourth day of that strike we received a notice from the government, the federal government, I should say, that in place of Mr. Bruning, who was resigning, they were sending a Mr. Howard Chase to take over the controllership. There was an undertaking by the government that conditions were





going to be put under his controllership. Mr. Chase duly arrived, and I would like to say that under his controllership conditions in that plant improved -- well, practically improved -- 100%. There was under his direction a personnel manager appointed and all grievances had to be taken through this personnel manager. Failing to arrive at a decision with the personnel manager we could always refer these grievances to Mr. Chase. For quite a period that worked out fairly well, but towards the end of Mr. Chase's controllership they found it necessary to have fired out of the plant the Chief Security Officer for actively interfering in trade unions. As far as we could make out, and I saw a letter at a later date from the Minister of Munitions and Supply, it was stated that Mr. Windsor had been fired for anti-union activity, that they had sent spies into the local union.

On Mr. Windsor's removal we<sup>had</sup> appointed another Chief Security Officer who looked to the security of the plant rather than to interference with our union. At the end of the controllership of Mr. Chase our agreements were pretty much all drawn up, and I would like to state that from the advices we received from that controller production in that section of the plant which we had to deal with came to a common agreement and improved considerably. However, on August 1st it pleased the government, the federal government, to remove Mr. Chase. Mr. Chase met us on the 4th of October and notified us of that fact. We told him



that we had no great faith in the company living up to their agreement with the regulations which had been drawn up. The regulations as they had been drawn up covered seniority, covered wage conditions and I may say that they were acceptable to the men as a whole, creating a condition whereby production could be proceeded with with no thought of any other distress.

With Mr. Chase's removal it was undertaken that Mr. Hart would live up to all our agreements. When Mr. Hart resumed chief control of the plant we found out, when we could interview the personnel manager, that all that was happening was they were listening to what we had to say and practically ignoring us from then onward. That continued until such a crisis arose in the plant that we had to write to the federal department, to the Ministry of Labour and to the Ministry of Munitions. After a period, I believe, from the first day we wrote until we received a reply fifty days passed, during which time the temper of the men was getting out of bounds. There was a Mr. McCullough who arrived in the plant. Mr. McCullough got the union committee and got an interview with Mr. Hart.

By the way I would like to point out that in the meantime our personnel manager had quit, had gone out of the plant and had gone to some other job. Where he went I do not know.

On approaching Mr. Hart our grievances were brought up and some brought into question interpretations on our regulations. The company in the majority of these cases could not justify their



attitude in regard to interpretations, and on other points where we had referred matters to Mr. Hart, the president of the corporation and received no reply, we asked the reason why. Mr. Hart put the entire blame on the personnel manager who had just quit. He pointed out that in the future things were going to be different. Well, there was a new personnel manager appointed---

THE CHAIRMAN: Q. Do we need to go into it at such length? If the committee is going to make a recommendation to this present legislature we have to limit it somewhat. We have listened for weeks and we know this story without flattering ourselves fairly well now, I think.

A. I would like to point out that if a collective bargaining bill was brought in it would eliminate all these things. There have been two strikes down there, and there is no guarantee there will not be a third one. It is to prevent that that we are really here.

Q. We have heard many, many representatives, and we think we know the reasons. A. You know, they bring in people from outside sources to compel management to listen to reasonable questions.

MR. MACKAY: Q. Who is going to bring in those outside sources? A. We had to bring in Mr. McCullough from the federal government and only recently we were required to bring in another conciliation officer. That is the point I really desire to bring out.

I would also like to point out that in that plant there was an organization brought into existence by





the management and it is a fact that the management favoured or tried to favour it. They tried to create a membership for that organization and as far as I know pretty well failed. They tried first through a class of coercion, and secondly they tried through an insurance scheme.

THE CHAIRMAN: We have heard of dozens and dozens of similar cases.

MR. FURLONG: What you mean to say is that you are in favour of collective bargaining and that the choice by taking a vote should be the collective bargaining agency?

A. Yes.

Q. And that would eliminate all these troubles about which you are talking? A. We hope.

Q. Do something towards it. It would help?

A. We hope so.

MR. FURLONG: I think the committee understands that.

MR. NEWLANDS: In view of the fact we have listened to deputations from other centres and we have not cut them off, I do not think we should cut these gentlemen off, or this gentleman. Let him go ahead and tell his story and rule on it afterwards, after he is through, that we are not going to let them go so long this session and go into details we have already heard. I think we should let the present deputation go on and give us their views and not cut them off.

THE CHAIRMAN: Yesterday we tried to point out to one witness that we understood his point of view. We heard many more and he kept on for an hour.



MR. NEWLANDS: I do not think they will keep on for an hour.

THE WITNESS: I will not be much more than five minutes.

MR. NEWLANDS: Go ahead.

THE WITNESS: The main point I would like to bring out is the fact that the company has done all they can towards the creation of another organization, that that organization was created by giving certain individuals jobs, good jobs, in the plant. The jobs were in the nature that during the controllership of Mr. Chase we brought to his attention the fact that these individuals were walking through the plant and had no obvious job. Mr. Chase undertook that he would investigate this department and on his next visit he would give us his finding on it. The next time Mr. Chase arrived he told us that the department in question indicated that the duties which had been brought into existence for them were largely finished, that all except two of these individuals were going to be moved out and would find other jobs.

In conclusion, in making my statement, we have also had some trouble recently through Selective Service regulations. We had a situation in which the Selective Service gave the company permission to lay men off owing to the scarcity of gas. The gas scarcity was to finish on January 25th at three o'clock, at which time the company saw fit to carry on under the pretence that they were still under the Selective Service Order. We negotiated through the Selective



Service at that time and had a statement from them that on that date, at that period, their authorization had ceased, that outside of that the company would be responsible for it. I understand the company had to pay several men a sum of money the amount of which I do not know. At a later date we found out that the company had given two days' notice to an entire department of men where, according to our agreement, they should have received seven days' notice in order to give them a chance of negotiating a transfer to another part of the plant. The company used the Selective Service against their own regulations.

To that end we believe this bill, if brought down, would give us a real collective bargaining system by which we could eliminate all that trouble and could eliminate all the chances of strike. That is all.

THE CHAIRMAN: Thank you.

MR. FURLONG: Is that all, Mr. Dunlop?

MR. DUNLOP: That is all, Mr. Furlong, except I think Controller Sam Lawrence would like to conclude with a few remarks.

MR. FURLONG: Very well.

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SAMUEL LAWRENCE, (sworn):

As I stated at the outset this morning, Mr. Chairman, I desired on the request of the Hamilton Labour Council, to introduce this delegation and I also requested that if you would make it possible I might make a few concluding observations. I am here not as a representative of the Hamilton City Council but as a voluntary,





gratuitous organizer for the trade union movement. I might say that covers the whole of the trade union movement with the exception of organizing rump unions, with which we have nothing to do.

THE CHAIRMAN: "Rump" is a new word.

THE WITNESS: I might say my organization is the Journeymen's Stonecutters' Union of North America. I carry two cards, one with forty-nine years' membership in what was the original Masons' Union of Great Britain, now the Amalgamated Union of Building Trade Workers of Great Britain and Ireland, and I have been a member of the Journeymen's Stonecutters' Union of North America for thirty-one years. Thanks to the good citizens of Hamilton I have not been working at my trade since December, 1928.

THE CHAIRMAN: All the evidence here would indicate that it is quite a backward city.

THE WITNESS: In the course of my activities I have traversed this province on several occasions doing organizing work on behalf of the trade union movement, and I can tell you this, that especially during the period of the depression, or sub-normal conditions, economic conditions, I have found some of the worst intimidation, discrimination and victimization of workers who had expressed the desire to organize in their respective industry, trade or calling. There is a saying, I believe, by William Shakespeare, That he who owns the means whereby I live owns my life. I may make this statement in regard to expressions which have been made that there can be



no freedom of action in company unions. Now, it is largely a measure of degree---

THE CHAIRMAN: Q. Mr. Lawrence, may I interrupt you for a moment? A. Certainly.

THE CHAIRMAN: I take this opportunity of announcing that there is a message for Stewart Bromley, of Sudbury. He is wanted by Operator 22, Sudbury.

I am sorry to have interrupted you, Mr. Lawrence.

A. It is quite all right, sir.

Under those sub-normal conditions we have found that there have been more men and women at times outside looking into the factory than there have been inside looking out, and if there has been an expression of desire, any attempt to organize unions in the respective industries, trades and callings, they have been met with the bitter hostility of their employers, to the extent, as I have already stated, that they are fired, the first time it is heard they are trying to form unions in their respective industries. But when the conditions changed, with this war prosperity and the bringing in of the Selective Service Act, whereby it was more difficult to fire people, in other words, as I heard Bob Kennedy say many years ago -- I believe thirty-five years ago -- the most successful union organizer is good trade, but the most successful recruiting sergeant is unemployment. Advantage was taken under those conditions. But, now the employers, as I have found, have adopted a new technique. In other words, where there has been an expression to organize or any desire, in some cases



after conciliation has been applied for and especially I would like it noted we have found they have been working at a feverish rate to organize company unions and for any man to tell me in view of my experience that there is no domination on the part of the employer in regard to company union, he does not know what he is talking about.

I will say this quite frankly that it is prompted, sponsored and financed by the employers in this province and in this Dominion --that is, unionism -- and if you are going to allow the recognition of company unionism in this collective bargaining bill instead of straightening out these critical conditions which prevail, not especially in my own city, I am going to tell you right now that you are going to have more disturbed conditions than you have at the present time. I am only telling you this by reason of my experience.

I want to say this, while I am not here to speak on behalf of my council, that we are perturbed about the critical situation which now prevails in Hamilton at this present time, especially in war industry. We have had very happy relations, as far as our council is concerned, with our own employees. As a matter of fact, we have signed several agreements with the respective trade union organizations in connection with the civic employees. They are not closed shop agreements, but they are real, good agreements.

I will not take up any more of your time, except to say I would just like to illustrate one incident to you in order to prove certain things in connection





Wm. Robertson, 1439

with what previous speakers have said relating to conditions in the National Steel Car.

On the Tuesday morning following Labour Day two years ago I happened to be in the Steel Workers' office--- S.W.O.C. -- at that particular time. It is now called the United Steel Workers of America. There was a copy of recommendations by Mr. Chase, the controller. To size the recommendations up, the two main points, conciliation points, in the recommendations were, Let us forget the past and no acrimony in the future. While I was perusing the document to which I refer one of the employees of the National Steel Car came into the office. I did not even know the man's name. I had probably seen him a few times before; however, I do not know his name as yet. I went into this agreement with this man. He was employed in one of the shops of the National Steel Car. He told me , and it can be confirmed, that in respect of the company union they attempted to organize after the first stirke, they even set up an office inside of the National Steel Car for the Union. Do you ever think that such a privilege would be extended to a real union such as to establish an office right inside the plant? This young man told me that a few days prior to reading this document two officers of the company union, accompanied by the foreman, went around the shell shop and interviewed everyone, every worker of the shell shop who was not a member of the S.W.O.C., in an endeavour to induce those men to join the company union. What do



you think, Mr. Chairman and gentlemen of the committee, would have happened to the shop steward in that particular department if he had gone to the foreman and asked the foreman to accompany him around the shell shop to ask those who were members of the company union, to induce them to join a real union? Why, he would have gone out of the gate so fast you would not have been able, hardly, to see him go. I told this young man had Mr. Lawrence been the shop steward of this particular shell shop there would not have been a member of that union working five minutes after I got the confirmation that there were two officers of the company union accompanied by the foreman going around to the respective workers there trying to induce them to go into the company union.

I say it is only a matter of degree, on this question of company unionism. I do not say in every case it could be presented so forceably as I can present it in this particular instance. It is a matter of degree, and it prevails in every plant, industry, trade or calling where they are shutting up company unionism. Instead of straightening these difficulties with which we are confronted, I am telling you it is going to be much worse than it is at the present time.

I happened to be in the courthouse yesterday when the conciliation board were hearing the case of the Wellandvale Works. The principal argument of the manager or president of the company was that if they signed an agreement with the Steel Workers Union



it would not cover all the employees in the Wellandvale plant. They admitted, themselves, that there were only eleven who were not members of the Steel Workers Union. I understood by the evidence that out of those eleven there are two overseas and three are acting in a supervisory capacity. In other words, they are kind of straw-bosses in this particular plant. The whole thing was cut down to less than 2% who are not members of the Steel Workers Union. Yet, he refused to enter into negotiations with the union on collective bargaining because it would not cover all the members of the plant. If we believe in democracy and we believe in the rule of the majority how on earth can any person put up a case when there are only 2% in the plant who are not union members.

By the way, the United Steel Workers are quite prepared to act for all the employees in this plant. Why would they not be? Because, if you present to those workers who are not members of the union -- just 2% in this case -- that you are going to do a job for them, and you can do a job for them, it will be only a short time before the whole of these workers will be in the United Steel Workers Union.

I thank you.

(Applause).

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A. READY, (sworn):

I am president of Local 504, Westinghouse.

I have worked for Westinghouse for seventeen years. I have been transferred from one department to another, more than any other man who ever worked in the





plant. I know of the different situations in the different departments. I have heard a lot of evidence given today with respect to collective bargaining. I do not think many have touched on the basic principles. What I mean to say is that I have seen things in the plant, such as the case of a man who was working with me and who was a veteran of the last war being suddenly stricken and falling down at my side. We carried him out and they took him to the hospital. They sent him to Christie Street Hospital, and he was off nine months. When he came back from the hospital he was like a walking rail; he could not work. The doctor at the Canadian Westinghouse called him on the 'phone and asked him to come to his office. We have a benefit scheme over there which pays one so much a week. I believe this man had six children at the time, youngsters, and he was drawing about \$14.50 a week from this benefit. When the doctor called him to his office and told him to report he said "My man, you are looking fine; report for work." There were 150 men in our department, and everyone was laid off except the boss. This man came to see the boss and he said, "I have no work for you. You cannot work until you are sent for." To this day this man has not been sent for. If he had convalesced for three more months he would have received \$1,000, but he was cut off like that with no organization to fight for him. I went to this man just a few months ago, in case such a thing as this might come up, and I asked him to substantiate every-



thing I have told you here. He said "Any time you want me to report to any committee I will be only too glad to do so."

There are other instances in the plant I could tell you of now -- many of them -- which I have seen with my own eyes. God knows what has happened that I have not seen, and there has been no one to fight for these people.

A VOICE: He was just a returned soldier, that is all.

THE WITNESS: We started organizing two years ago in May, 1941. Approximately six or seven weeks after we started to organize a company union was set up in Westinghouse with an office right inside the plant. In literature we sent to the Westinghouse we asked the Westinghouse company to change the form of vacations. We had to stay there for ten years in order to get one week's holiday and twenty years for two weeks'. We asked them to change this vacation system for the employees to one week after one year and two weeks after five years. As soon as an employees' association was formed they got it right away like that, like a snap of the fingers. They changed the rule as to holidays to one week after five years and two weeks after ten years and one week after three years for females. We maintain this is definitely a company union. They collect 25¢ a month.

Just a week ago Saturday a man came along to me in the shop. I had never seen him before. He came over to me and said "Are you the president of the



union?" and I said, "Yes." He said, "I have a bone to pick with you. I am going to quit your union. I have been in it three months now, and it is not worth a damn. I am mad, and I do not mind telling you so." I asked him "What is the matter?" and he said, "It is like this: all you seem to do is play into the company's hands. Everything you seem to do is for the company." I said "We want to collaborate with the company." He said, "I do not care; it is fishy to me, and I am not paying any more dues. Even the steward in our department is a stooge. He runs to the management with everything." I said, "How much dues do you pay?" and he said 25¢ a month." I said, "You have been with the company union. This is the C.I.O."

Those are the things which go on in this plant. I could name you some more without any trouble at all.

THE CHAIRMAN: We have been listening for three weeks.

THE WITNESS: I know you have, but you have been listening to representations covering a plant in general.

THE CHAIRMAN: No.

THE WITNESS: I have not heard them today. I just want to prove that they have a company union set up in the Canadian Westinghouse, and they have an office for which they do not have to pay rent. I am sure they will not give us one. They were set up six or seven weeks before we went in.

THE CHAIRMAN: The evidence has been in dozens and dozens of cases that management was not interested in any union until the International or some other unions





started to organize and they showed great co-operation and enthusiasm for company unions. I do not wish to stop you, but what I am interested in is having time left at our disposal, because the legislature is only going to meet for a couple of weeks more, with which to deal with this bill. With the exception of one or two cases -- and I may quote one of this morning -- employers have not approved of collective bargaining, but Mr. Cook, as an employer, came in and approved of collective bargaining. He said they had it throughout the whole of the clothing industry. He said he was tickled to death with collective bargaining. With that exception practically all the representations we have heard here for the last week, or possibly the last two weeks, have consisted mainly of repetition of what we heard the first week. I do not wish to stop anybody, but, if they wish to go on and we are not able to have the time to make a recommendation to the legislature, do not blame us.

THE WITNESS: Several weeks ago, -- I believe it was the first or second day you sat here -- members of the company union were going to the members of our union and saying, "Well, we have been down to Toronto, we scuttled the bill, and we have finished the C.I.O. off."

[THE CHAIRMAN: Did they give evidence here?

A. I do not know. They came down here.

Q. You know, you cannot stop people from talking.

A. No. I thank you.

THE CHAIRMAN: Thank you.

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THE BOARD OF TRADE OF THE CITY OF TORONTO

J. S. D. Tory, K.C., Sworn

Examined by Mr. Furlong:

Q. Mr. Tory, you are solicitor for the Toronto Board of Trade? A. Yes.

MR. FURLONG: Mr. Chairman, I do not think he needs any further introduction.

THE WITNESS. Mr. Chairman and members of the committee, with your permission I would like to present this brief on behalf of the Board of Trade of the City of Toronto. It has been carefully prepared by us and represents the views of our membership. I think that by reading it, it would be more helpful if you would permit me to do so.

THE CHAIRMAN: Q. Is there anything new further than what has been given to the committee before?

A. We are trying to be constructive with some suggestions and I hope you will find it so.

"The Board of Trade of the City of Toronto was incorporated by an Act of the Legislature of the late Province of Canada passed in the year 1845. The first and paramount object of the Board, as stated in its Charter, is

'To promote and/or support such measures as, upon due consideration, are deemed calculated to advance and render prosperous the lawful trade and commerce and to foster the economic and social welfare of the City of Toronto in particular and of the Province of Ontario and Dominion of Canada in general.



The membership of the Board as of March 11, 1943, stands at 2,503, of whom 2,345 reside in the City of Toronto and District and 158 elsewhere, for the most part in points throughout the Province of Ontario, with a few throughout the Dominion. Such membership represents a cross section of industrial, commercial and professional life, being comprised of many different activities of which the principal ones, alphabetically listed, are as follows:

- Advertising Agencies, etc.,
- Amusements,
- Associations and Public Officials,
- Bankers,
- Building Trades,
- Financial Companies,
- Grain and Grain Products,
- Insurance,
- Loan, Trust and Mortgage Companies,
- Manufacturing,
- Mines,
- Professional Men,
- Retail Trades,
- Service Trades,
- Transportation,
- Wholesale Distributors,
- Miscellaneous.

While the bulk of the Board's members live in Toronto and its immediate vicinity, their experience is geographically much wider. There are a few of the many firms conducting a national or international





business from the Toronto District which are not represented in the Board's membership. Consequently, the policies of the Board are not determined merely by its knowledge of local conditions, but reflect a broad experience derived from the transaction of business throughout the Province of Ontario, other parts of Canada and the international field.

It must be recognized that, representing as it does many different types of industrial, commercial and professional activity, the Board of Trade speaks for those who may have differing or varying shades of opinion on any subject. The views expressed in this brief are believed to be those of the majority of its members so far as ascertainable, but we would ask that the right be reserved to any of our members to speak for themselves regarding any point upon which there may be a difference of opinion.

At the outset, The Board of Trade desires to emphasize the importance of adopting some constructive policy which will contribute to the establishment preservation of peace and goodwill in industrial relations. Social progress and development, of which industrial relations is but one element, is a matter of growth; and this should be an orderly growth having regard to the interests, not only of the immediate parties - employer and employee - but to the interests of the public. No policy which fails to take account of the interests of the community and the country at large can be said to be constructive.



Therefore, in considering the matter of collective bargaining between employers and employees in respect of terms and conditions of employment, let us not regard them as bitter contestants, but as members of one social body whose mutual advantage is in the orderly solution of any differences which may arise in the attainment of their legitimate and proper social and economic purposes and functions.

Let it also be said that there is no problem in this field which cannot be solved by men of goodwill and social consciousness, provided they have a true understanding of the part played by each in the scheme of things. The Board of Trade appreciates Labour's legitimate aims and aspirations. The combination of employees in their own interests, and for the purpose of improving their own economic position, is a laudable and proper purpose and is a true expression of democracy in action. But the exercise of power on any form is capable of abuse. Neither employer nor employee fears the constructive aims and purposes of the other, but the actions of a few may prejudice the cause of each. We do not believe that there is inherent opposition between the aims and purposes of employer or employee when properly understood in relation to the functioning of society as a whole, and we flatly reject the view held by some that the development of industrial relations must be marked by



by strife, jealousy, fear or suspicion. Our task is to unite in the common cause for victory and the securing of a lasting peace in which Canada will be the most desirable place on earth to live and work. Our plea is for mutual understanding of the common industrial problems.

Many of the representations before this Committee have urged that the Legislature should take a short-cut to industrial peace to avoid in this Province the century of turmoil and strike which has characterized the history of trade unions in Great Britain. Certainly that is desirable if it can be done by legislation. But let it not be forgotten that while much can no doubt be accomplished in that manner, it is true that out of the growing pains and the adolescent turmoils which characterized the youth of the Labour movement in older industrialized societies has come experience, stability and understanding, both political and economic, which has resulted in voluntary collective bargaining in Great Britain as a generally accepted practice by employers and employees alike, without any legislative compulsion."

Q. Why is that not so in Ontario? A. Well, we are going to try and deal with that when we come to one of my points further down. Please bear with me and let me go on with this. Q. All right. A. With your permission I will continue.

"Sincerety of purpose and demonstration in practice of the reasonableness of their respective aims, having





regard to the interests of the other members of society, will do more to accomplish the ultimate purpose of industrial peace than any legislation can do.

While it may be possible to short-cut the path to maturity by means of education, it may be no more possible to legislate wisdom and maturity into industrial relations than it is to legislate that advanced state of mind and heart into young people; for in this Province we are still young in our industrial growth and development. Any legislation with respect to collective bargaining should, therefore, be defined in general terms to permit growth in industrial relations as well as adaptation to varying conditions.

A constructive policy, then, would promote orderly growth, "make haste slowly", and keep in mind the views of the sound and progressive "middle of the road" man - employer and employee alike - who is neither reactionary nor militant. Above all, let us not mistake for cancers in our social body what are nothing more than growing pains."

THE CHAIRMAN: Labour pains.

THE WITNESS: Well, perhaps we can give birth to something on the basis of this, Mr. Chairman.

"The views of The Board of Trade on specific points arising out of the discussion of collective bargaining may be put as follows:

1. We are in favour of the principle of collective bargaining between employer and employee. Over a period of years this policy has voluntarily



been followed by many of our members, with mutually advantageous results, and it is strongly urged that nothing should be done which will have the effect of impairing, retarding or destroying in any way the progress which has already been made in this field of voluntary negotiation. The present state of industrial relations is strong evidence of the desirability of retaining unimpaired a method of procedure with which most employers and employees appear to be satisfied. A good mechanic doesn't tamper with a part of his machine if it is running satisfactorily.

2. Having regard to the present legal status of trade unions as unlawful associations due to their objects being in restraint of trade and, in certain circumstances, constituting civil conspiracy, we are in favour of the removal of any such disability and of making trade unions lawful associations.
- 3 The right of employees to organize and form trade unions and to bargain collectively should be confirmed, thereby removing any doubts that may exist under the laws of this Province as to the legality of such common practices.
4. As regards immunity from legal proceedings, we think that while the individual must himself remain responsible for the consequences of his



actions, trade unions and their funds might ultimately be given immunity from claims for damages or injunctions in respect of acts arising in the course of an industrial dispute, but that this immunity should be extended only to those responsible and representative groups which comply with the conditions hereinafter mentioned. Immunity from legal proceedings is an advantage not enjoyed by other bodies or associations, and is a class privilege not lightly to be conferred on those who fail to demonstrate that they can be trusted with such immunity.

It is true that immunity from legal proceedings is conferred on trade unions in Great Britain but an exception is made in the case of strikes which are declared to be illegal by the 1927 Act and the privilege is not unconditional. On the whole, we would prefer that the position enjoyed by trade unions in England should be reached gradually, step by step, as and when Labour, by its actions, demonstrates that it is sufficiently stable and responsible to be placed in that privileged category.

5. Any legislation which makes lawful the free association of employees in any form of organization of their own choosing should likewise preserve for them the right . freely to choose whatever form of organization they deem most suitable to





represent them when dealing collectively with management regarding matters of mutual interest. Much has been said to this Committee on the subject of so-called "company" unions and the use of that term, without definition, simply confuses the issue. If any group of employees, in the exercise of their free right of choosing a bargaining agency, express themselves as being in favour of one organization as against another, no matter what its form, that is and should be their privilege, guaranteed to them by the legislation. We hold no brief for any organization of employees which is obviously dominated, controlled or unduly influenced by an employer, or for that matter, by any other person, but we insist that given freedom of association, employees should be absolutely free to join or not to join or form any type of employee representation plan or to prefer a shop council to any other type of organization.

6. Even those employers who voluntarily adopt the practice of collective bargaining often experience great difficulty in determining the proper representatives of their employees, and this difficulty becomes more acute and of much greater consequence if an employer is to be required by law to bargain collectively. Some simple and elastic procedure should be included in any such legislation, not only to settle this



difficulty but also to dispose of rival jurisdictional claims as between unions and to determine the identity of the bargaining unit; that is, to settle which employees are to be represented and which, if any, (due to difference in the nature of their occupation or lack of community of interest or otherwise) should not be so represented.

7. The mere fact that a large number of workers is employed by the same employer should not necessarily result in any one bargaining agency representing all of them and this involves nice questions of industrial relations which are difficult to formulate in a statute but which require to be dealt with by an administrative body. Certain tests should be indicated in the legislation to provide a guide in cases where employers and representatives of employees may disagree on the determination of the identity of the bargaining unit. For instance, particular categories of employees might be excluded because of their lack of community of interest with other employees based on differences in the nature of their work or wages, or other working conditions, as well as the desires of such group or its eligibility for membership in the organization involved and the existence or non-existence of collective bargaining agreements which have separately identified any group of employees in the past.
8. If any organization purports to represent the



majority of employees in any bargaining unit, and the employer is agreeable to accepting them as such, then, in the absence of any dispute or claims by other organizations to be entitled to represent the same bargaining unit, the employer and the first organization may proceed to enter into negotiations for a collective agreement.

If the claim of the first organization is disputed, either by the employer or by any other group or organization, the question should be referred to some administrative body or authority who would then certify not only as to the true representative, but also as to what employees are represented. This would not necessarily be by the taking of a supervised vote, but might be by analysis of the proven membership of the organization checked with the employer's payroll, or otherwise.

9. So far, we have been concerned only with the employer who agrees voluntarily to bargain with the representatives of his employees. What of the employer who, for his own reasons, perhaps based on unfortunate past experiences, refuses to bargain collectively? On this critical issue there is some difference of opinion among our membership, but on the whole, we are prepared to state that The Board of Trade has no objection to legislation requiring an employer to bargain collectively with his employees





through representatives of their own choosing who are prepared to satisfy some impartial administrative body, with experience in the field of industrial relations, that they truly represent the majority of the employees within a unit ascertained by such administrative body to be appropriate for the purposes of such collective bargaining, provided that such representative organization is prepared voluntarily to register (not to be incorporated) in some simple manner subject to no onerous requirements and without being called on to disclose, except to their own members, their financial position, and provided that, having entered into a collective bargaining agreement with such representative organization, the employer shall be ensured of peaceful labour conditions in his plant, free from agitation on the part of any minority, organized or unorganized, during the life of such agreement."

MR. NEWLANDS: Q. You could not guarantee that the employer would not have any grievances with the minority in the plant. A. My recommendation is that during the period of an agreement if you have the 51% vote, the minority shall withdraw for the period of the collective agreement entered into. I am saying it is fair and reasonable, if we are taking the position that we do not object to being required to bargain collectively, that we should be ensured of some reasonable chance of operating during the period of the agreement into which we have entered



without the 49%, or whatever the other minority is, continuing the agitation until the agreement comes up for renewal.

MR. FLEWONG: That is, during the life of the agreement? A. Yes, during the life of the agreement.

THE CHAIRMAN: What I am anxious about is to have enough time for the Committee to sit around and come to some conclusions. I must say, as I said to the last witness - and, mind you, I am not criticizing you or the last witness, because you have not been here all of the time - but here are six pages of a brief which have already been presented to us and I think I can say without any fear of contradiction that every point so far made has been presented to this Committee at least ten or fifteen times.

THE WITNESS: I did not know it had been presented to the committee by representatives of a group such as the group I represent. I would have thought the presentation of this group would be helpful, coming from the people The Toronto Board of Trade represents.

THE CHAIRMAN: Other people have made exactly the same arguments in ten or fifteen different ways. There may be something new in the last four or five pages, but as far as you have gone, and we have followed you closely, word for word, we have heard all of this before. We have heard these arguments presented ten or fifteen times so far.

MR. I. L. G. DAYMOND: Q. During the course of the reading of your brief, you mentioned that in past labour



relations between management and employee they had been on very good terms. Do you as a representative, or does the Board of Trade here in Toronto, honestly believe that labour relations between employers and employees in this country have been on good terms during the past few years? A. We are hearing about the cases in which there are complaints. You are not hearing before this committee of the many employers who have voluntarily agreed to sign agreements and who have perfectly satisfactory relations.

THE CHAIRMAN: The evidence of the people representing labour organizations would seem to admit the majority have been, but it is the minority with which we have been dealing since we started hearings here. Labour has not said that the majority has not been broadminded and fair. It has said they have been. In Windsor they have said they have collective bargaining agreements with unions, everyone of them.

THE WITNESS: Is that not an answer to the question I have been asked?

MR. DAYMOND: Q. Do you believe that labour relations in this country are good. A. I do, yes, generally speaking. There are exceptions, of course.

MR. DAYMOND: Here we have in Hamilton nine or ten applications for boards of conciliation.

THE CHAIRMAN: The evidence before this committee is that Hamilton is probably the spot which has not been cleared up.

MR. DAYMOND: I think surely the Board of Trade in Toronto, representative of all walks of life, should have





some idea of what is going on in Hamilton and other parts of this province.

THE CHAIRMAN: There is not much difference between you and the witness. I think you will agree that the majority of the employers have been dealing fairly with the unions, the same as the witness, but it is the minority which is causing the trouble.

MR. DAYMOND: I cannot see that minority.

THE CHAIRMAN: We are only taking the representations of labour for it.

MR. FURLONG: Do you not think Mr. Tory should proceed?

THE CHAIRMAN: Yes.

THE WITNESS: Thank you.

"It does not appear to us reasonable to require any employer against his will to bargain or negotiate with anyone who is unwilling or unable to satisfy these elementary requirements.

10. What constitutes sufficient representation to require collective bargaining by an employer should not be less than 51% of the employees in the appropriate bargaining unit. The administrative body which determines these questions should have discretion to take into consideration more than the mere support by an employee, who has nothing to lose, of a bargaining representative who has held out to him promises or hopes which are impossible of attainment in all the circumstances.

We are not satisfied with the practice which has



developed in this province, particularly with respect to taking votes in industrial plants to determine whether or not employees have selected a collective bargaining agency, and if so, the identity of the agency. Instances are reported where unions claiming as members of their organization less than 20% of the eligible employees in a plant have demanded and obtained a poll of the employees, and the ballot which has been presented to such employees has merely asked them if they were willing to allow the applicant union to represent them in negotiations with the management. No proper alternative choice is given to such employees, and the voting employees are not even asked to accept responsibility in any form or to any degree, for the actions of such union."

THE CHAIRMAN: We have had a lot of discussion about the question of ballot.

THE WITNESS: I would like to see that. I am not talking about that kind of ballot.

THE CHAIRMAN: There have been unfair ones, too.

THE WITNESS: Right.

"It is hardly possible that a majority of employees would refuse to give a union the opportunity to bargain with the employer on their behalf under such circumstances.

While it is easy to condone or excuse the existence of such makeshift methods by Government agents or



officers who are operating under difficult conditions, without any proper guides or rules laid down by any authority to govern their conduct, we should be careful not to accept, without close examination, such practices as satisfactory for the purposes of any collective bargaining legislation.

It should be noted that the practice with respect to these industrial elections is not uniform by any means, and that usually the form of the ballot and the general terms of the election procedure are settled by agreement between the contending parties, subject to the control or guidance of some official of the Government whose primary concern is, of necessity, that of bringing about, as speedily as possible, a peaceful solution of what is either an industrial dispute, or a situation which is likely to develop into an industrial dispute.

If an employer is to be required to bargain collectively, then some more satisfactory method of determining the collective bargaining agency must be devised, and we suggest that it is only reasonable and fair that it should be provided that a union is not entitled to require an employer to bargain collectively until it has been established beyond question that such union represents, by virtue of bona fide membership in its union, at least 51% of the employees eligible to become members; and furthermore, that





if a union becomes the collective bargaining agency as a result of any proceedings had or taken under the legislation, that its position as the representative of the employees should be confirmed for a definite period of at least one year, and that any unsuccessful candidates for the position should be required to leave the successful candidate and the employer free to carry on negotiations, and to complete and perform agreements resulting therefrom for a reasonable period - we suggest at least one year.

All of these restrictions and safeguards, which we think are essential, can be made effective if our suggestion is adopted as to voluntary registration of unions, and the restriction of collective bargaining rights to registered unions only.

11. So far as concerns the subject matter of the collective bargaining negotiations, this should include any questions relating to wages, hours or other conditions of employment, or the regulation of relations between employers and employees, and we recommend that arbitration of grievances arising out of the agreement itself should be mandatory. We also recommend that when collective bargains are made they should be reduced to writing and signed by the employer and the representative of the employees.



12. We have no objection to making illegal the so-called "yellow dog" contract by which as a condition of employment or otherwise, an employer requires his employee to agree not to join a labour organization or trade union or, if a member, to resign therefrom or to contract himself out of the benefits of the legislation.
13. Some appropriate provisions should be made for the prevention of strikes and lockouts pending the settlement of industrial disputes.
14. We do not ask that labour organization or trade unions should be incorporated. Their form of organization should be a matter for the determination of their membership alone, but we suggest that it is a reasonable condition of being granted the benefits conferred by any legislation that there should be voluntary registration in some simple manner. As we understand it, registration has been objected to by some groups on the ground that it may lead to legal liability for damages or other financial loss on their part, or to disclosure of their financial position to employers, who would thus be able to ascertain their real strength in any contest. Our suggestion would meet these objections by expressly conferring immunity as a result of voluntary registrations.



By registration, we mean only some simple form of identification of the union or labour organization, which would involve merely the filing of its Charter, if it is a chartered organization, or of its articles of association, if it is not chartered; the filing of its by-laws or rules so that its objects and methods of procedure are a matter of public record; and the filing annually of a list of the officers authorized to represent it, together with some reasonable proof that it is a bona fide association of employees not obviously subject to the domination or control of any employer, association or other person. In the case of an international union, we suggest that there be two types of registration, one for the international, as such, with a statement of the number of local unions which it has chartered or otherwise constituted in the Province, the location of such locals, their business offices, if any, and the names of the officers through whom it normally conducts its business. Upon the formation of any additional locals the same information would be required with respect to them; a separate form of registration for each local, as such. The certificate of registration should indicate on its face whether the local is chartered by an international organization or directly by one of the Congresses of Labour operating in Canada, or whether it has no such





charter and is merely operating independently. We feel that the spokesmen for the labour organizations fail to appreciate the amount of confusion which they have created in the public mind by their discussion of proposals for incorporation and registration and by their use of terminology with reference to trade unions which is confusing even to students of industrial relations. For example, the term C.I.O. is popularly applied to certain trade unions without any justification, merely because the organization spoken of is of the industrial, as distinguished from the craft, union type.

15. Any legislation should specifically provide that nothing therein contained shall detract from or interfere with the right of an employer to suspend, transfer, lay off or discharge employees for proper and sufficient cause. Nothing is more harmful in industrial relations and the efficient prosecution of the war effort than an attitude which, unfortunately, is sometimes found among certain people who profess to follow trade union philosophy, that they can shirk on the job or not put forth their best efforts because the employer does not dare discharge them for fear of proceedings being brought against him or agitation being stirred up on a charge of anti-unionism and discrimination.
16. The question of enforceability of the agreement is difficult because even the imposition of heavy



penalties cannot, in the nature of things, be an adequate substitute for any element of good faith which may be lacking and, while public opinion is more or less effective in the event of breach of any of the provisions of a collective bargaining agreement, or of infringement or non-observance of any of the rights conferred by collective bargaining legislation, we think that appropriate penalties should be imposed upon the defaulting party. This would include penalties for intimidation, threats or coercion by an employer or by any other person with a view to interfering with the employees' freedom of choice, either to join or not to join a labour organization, or to participate or not to participate in trade union activity. In the case of breach by labour organizations or trade unions which have voluntarily registered in order to obtain the benefits conferred by the legislation, such registration should be subject to cancellation, with consequent loss of privileges conferred thereby.

17. In endeavouring to recommend a constructive policy to this Committee we have sought to avoid recrimination as to alleged unfair Labour practices by either side; but if this Committee feels called upon to recommend that this subject be specifically dealt with, we would ask you to bear in mind that there are two sides to that question.
18. The question of administration is closely connected with the question of enforcement. In our opinion



the adjustment of industrial relations is something which cannot satisfactorily be handled by the courts but must be referred either to the Department of Labour or to an independent commissioner or an Industrial Relations Tribunal. We think that the daily administration of the Act might well be referred to the Department of Labour, with an appeal to an Industrial Relations Board or Tribunal composed of, say, five members.

We would suggest that the Board or Tribunal be composed primarily of persons who represent the interests of the general public and that there be a representation of employee and employer interests thereon. Appeals to the Courts from such Board or Tribunal (on questions of law only) should be provided for.

19. Any collective bargaining legislation should be in conformity with the war controls exercised by the Federal Government over employers, labour and manpower generally, wages, prices, and the freezing and curtailment of civilian trade and industry. This situation is sufficiently complicated now without introducing further elements of confusion.
20. Any legislation should be so drafted that employers will not be involved in conflicts of jurisdiction between the Ontario enactment and measures of the Dominion or another Province. The Dominion





measures in mind are the various wartime orders which touch directly or indirectly on employer-employee relations. With respect to measures of another Province, the Board has in mind the complexities which may arise under varying legislation in different Provinces for firms which operate in more than one Province, especially where an inter-Provincial movement of labour is involved. The legislation should not produce any substantial lack of uniformity among Provinces in employer-employee relations or responsibilities; otherwise there might be a shift of industry to other provinces to the detriment of Ontario.

Our position, in short, is ...."

THE CHAIRMAN: "In short."

THE WITNESS: I have waited since eleven O'clock this morning. I am sorry if we are imposing upon the committee.

THE CHAIRMAN: It is all right.

THE WITNESS: Then, I will continue.

"Our position, in short, is that while we are not unduly disturbed by what may be characterized as growing pains in our industrial relations, we feel that it will contribute materially to even more harmonious relations between employers and employees than now exist by recognizing the reasonable claims of labour, subject only to what we submit are reasonable and proper safeguards and limitations designed to prevent abuse. The object must be to provide an improved and useful medium for the



advancement of industrial relations as an integral part of our social and economic development and not merely to provide a weapon for any militant group or groups who might in some circumstances be tempted to over-reach themselves, thereby bringing down on the heads of all of us the wrath of the public at large, who impose the ultimate sanctions underlying any social legislation.

In conclusion we wish to affirm our belief in the principle of collective bargaining. It is only against the possibility of abuse and the fear of abuse that we need to guard. Public opinion will in the end be the determining factor and over-reaching on either side is a short-sighted policy. The world is not a bed of roses for either the employer or the employee and the important thing - more than any legislation - is some understanding and appreciation by employers and employees of their respective aims and problems, looking to an ultimate closer partnership in industry. Let us try to pull together and remember that, even in the alphabet, "U" for Unity comes before "V" for Victory.

We have endeavoured to be constructive in our suggestions and wish to thank this Select Committee for the opportunity of being heard on this important subject. We stand ready and willing to co-operate in any way which you may suggest."

MR. HABEL: Very good.

MR. HAGEY: Yes, very good.

MR. FURLONG: It is very constructive, thank you, Mr. Tory.



MR. FURLONG: The next business is the hearing of the representations of the Ontario Mining Association.

ONTARIO MINING ASSOCIATION.

N. F. PARKINSON, (sworn):

EXAMINED BY MR. FURLONG:

Q. Mr. Parkinson, you are secretary of the Ontario Mining Association? A. Yes.

Q. And, I take it from this, you live in Toronto?

A. I do.

Q. Is this association a voluntary association?

A. It is a voluntary association.

Q. How many members has it? A. There are fifty-two member mines.

Q. Metal companies? A. Metal companies, yes.

Q. All right. A. May I have the privilege of reading this short brief?

THE CHAIRMAN: Yes.

THE WITNESS: It is quite short.

"The Ontario Mining Association, with headquarters in Toronto, is an Association of mining companies, fifty two in number employing approximately 26,000 workmen. Practically all the producing base and precious metal mines in the Province are members of our Association, which is a service bureau interested in the problems of the Mining Industry.

We therefore present this short brief on behalf of the Industry as represented by our Association.





The lot of mine employees in Northern Ontario is such that, without fear of contradiction, they may be described as the happiest group of miners in all the world.

The accident record of Ontario mines will compare favorably with that of any other similar group in any part of the world.

The wage rate is high and the highly skilled ambitious man is permitted to contract on a generously fair basis. In peacetime the rate paid by mining companies in Northern Ontario eliminates any real competition from other phases of industry. The operating heads have never taken advantage of a surplus of labor to reduce the rates of compensation paid their workmen.

Where the financial position of mining companies permits, unusually fine means of recreation have been provided. The Porcupine Community Building provided by McIntyre Porcupine, for example, has no equal in this country.

Now this happy condition has been provided not by agitation and strife. It has been a contribution from the companies whose Directors and Supervisory Staff have been imbued with the principle of the Golden Rule, and in part has followed representations and discussion with representatives of employee committees.

In many mines, but not all, committees of the men have been organized for the purpose of



discussing anything of mutual interest and they have functioned and are functioning without friction and to the entire satisfaction of all concerned.

Now, Mr. Chairman, two is company and three are a crowd.

In most of the mining areas there is a nucleus of an International Trade Union. These unions have been knocking at the door of the mining industry since the early days of Cobalt, and speaking generally, they have been refused admission. In the last 36 or 37 years there have been two major strikes in Cobalt, one in Porcupine, and another in Kirkland Lake. The results of all these strikes have been the same. The companies have lost money and the men, union or non-union, favourable or unfavorable, to the strike, have suffered grievous loss. In each case the men came to work having gained nothing in rates of pay or working conditions. The community always suffered and especially the tradesmen who extended credit where distress was evident. To-day, more than a year after the termination of the Kirkland Lake strike, the Union responsible for that strike owes local tradesmen something like \$20,000.00.

To accept the principles involved in recognition of these International Trade Unions would, in the mining camps, be an invitation



to trouble and continuous turmoil. In substance, it would mean that we were exchanging a condition of harmonious co-operation for one of agitation, bickering, negotiating, and perhaps strikes. It just could not be helpful and would undoubtedly be harmful."

I beg Mr. Tory's pardon in using almost the same quotation.

"Where a piece of machinery is operating efficiently, the experienced mechanic will advise always to leave it alone.

We respectfully submit that the times we are now passing through are abnormal in many ways. More than 5000 Ontario miners are in the fighting forces, most of them will some day be back. Similar conditions must exist in other industries. Employers are obliged to reinstate their former employees if it is their desire to be so reinstated, except under certain conditions. We question the advisability of disturbing the present conditions of employer-employee relations till the boys come home and have their say. Is it fair to do otherwise?

The mining companies do not require the assistance of outside trade union organizations. The fact that only a very small minority of their employees are members of International Trade Unions would suggest that, generally speaking, they, the men, do not desire their assistance. Why then should they be forced upon the employees and management





of this Industry, and what should the public expect if they, figuratively, tie two cats' tails together."

MR. FURLONG: Thank you, Mr. Parkinson.

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MR. FURLONG: Next, I understand Mr. B. ~~Laskin~~ desires to make some further representations on behalf of the Canadian Congress of Labour.

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CANADIAN CONGRESS OF LABOUR.

B. LASKIN, (sworn):

EXAMINED BY MR. FURLONG:

Q. You represent the Canadian Congress of Labour?

A. I am appearing for the Canadian Congress of Labour. May I assure the chairman and the members of this committee that I will only be a very few minutes?

The members of the committee must, in the light of the evidence presented to it, during this sittings, give organized labour due credit for the unanimity of their various spokesmen relative to the principles which they would like to see incorporated in a collective bargaining bill. The problems which they have put before you are not the outcome of abstract contemplation. All the representations which they have made stem from their experience, sometimes bitter in actual cases.

THE CHAIRMAN: I am sorry to interrupt, but for whom is Mr. Laskin appearing?

MR. FURLONG: Mr. Laskin asked for the privilege



of summing up on behalf of the Canadian Congress of Labour. He will only take a very few minutes, Mr. Chairman.

THE CHAIRMAN: Very well.

THE WITNESS: As I have said, all of the representations which they have made stem from their experience, sometimes bitter in actual cases. Their very unanimity is eloquent testimony for this committee on the necessities of the situation.

I desire to enlarge merely on one or two points. Our economy or industrial civilization is no longer based on a single shop system. All persons in industry are affected by the prevailing rates of wages, and all are affected by the prevailing industrial processes. Also, all are affected by the principle of collective bargaining and our submission is that it is important that this principle be made a common rule for industry, that it may equalize the conditions under which employer-employee relations are conducted. When it is said that the principle of collective bargaining is acceptable by all, we must be realistic and enquire if the implications of that principle as a functioning process are generally observed. What these implications are have already been pointed out to you by the briefs submitted by the two Congresses and by various other labour and citizen groups.

The scope of a proposed collective bargaining bill in the sense of employer coverage has bothered some members of the committee and some of the spokesmen



who have appeared before it. May I say that no employer should be exempt merely because he has a small working force or even if he employs only one person. While it is true that you cannot have collective bargaining between an employer and his only employees there might be hundreds of employers of that kind and then hundreds of employees/ought properly to be afforded an opportunity to practise collective bargaining with their various employers. I can point to the barbering industry as an illustration of my point.

The question of company unionism vs. independent unionism has been causing some difficulty during these hearings. I do not think that anyone will dispute the fact that collective bargaining and company unionism are incompatible notions. If it is accepted that employee organization must be free of employer influence, domination or support, it should not be an insuperable task for any organization of employees claiming to be independent to prove its independent status to the satisfaction of those who will administer the proposed collective bargaining measure. . .

Another question which has been raised is whether an employer should not be allowed to propagandize his employees in favour of a plant union or other employee organization. It has been asserted that to deny to the employees this right would interfere with his freedom of speech. Our law, however, is full of examples of restriction of freedom of speech in the interests of a paramount public policy. So, too, if collective bargaining bill guarantees employees





freedom to organize and compels an employer to bargain collectively with all of his employees the public policy behind such a bill may well prohibit an employer from asserting that freedom of speech enables him to frustrate that policy. It would be surprising, indeed, to find a principle such as freedom of speech put to such unusual use.

Now, Mr. Chairman, and members of the committee, when Mr. Mosher and Mr. Conway appeared before you they begged leave to submit further material if it should be necessary. They have submitted some material to Mr. Elroy Robson, who is the regional director of the Canadian Congress of Labour. Mr. Robson will present this material to you. I think he intends to file it with you. Before I sit down, I wish to make one short observation. It has been brought to my attention that certain statements made this morning relative to the financing of the Kirkland Lake strike might cause, or at least might lead the members of the committee to take an untrue view of the situation. I have here some material which I would be very glad to file with you. These documents are statements of the contributions to the Kirkland Lake strike fund.

There is the main and the supplementary statement. These statements indicate that the expenditures during the strike amounted to slightly over \$175,000. Of that amount most of the money has already been paid up to any creditors who extended credit to the Kirkland Lake strikers and the unions which were supporting it.



The International Union of Mine, Mill and Smelter Workers, itself, contributed well over \$32,000 to pay off the indebtedness which was incurred.

THE CHAIRMAN: I do not think we are interested in that, Mr. Laskin. It has nothing to do with collective bargaining.

THE WITNESS: I would be glad to file it with you anyhow. I would be very glad to have you accept it.

---EXHIBIT NO. 176: Letter from Pat Conroy to the Affiliated and Chartered Unions, Labour Councils and representatives of the Canadian Congress of Labour, and statement of contributions to the Kirkland Lake Strike Fund to March 31, 1942.

MR. FURLONG: Q. Mr. Laskin, before you leave, it has been said here by someone that if collective bargaining becomes compulsory it may interfere with returned soldiers after this war getting back their jobs. Have any of your organizations for whom you act any objection to a clause going into this bill, or, if we do have a bill, providing that any returned soldier shall be assured of the return of his old position whether or not he was a union man?

A. I think I would say that certainly the organized labour movement would not have the slightest objection to anything of that sort.

Thousands of trade unionists are overseas and most of them retain their union membership in good standing during that time.

Q. I think that clears up that question very nicely.

A. With your permission, Mr. Elroy Robson will present a brief. I do not think it will take very long.

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ELROY ROBSON, Sworn

It was not my intention to read this brief, gentlemen, but since I have heard your admonitions to those who have appeared ahead of me, I am certain now, I will not. The Congress officers asked me to come here for them and present it. With your permission I would like to file it. I will hand copies to the Committee and ask that it be included in the record. Is that acceptable?

THE CHAIRMAN: Yes. Thank you very much.

PRESENTED BY ELROY ROBSON, ESQ.,

ON BEHALF OF THE CANADIAN CONGRESS

OF LABOUR:

MEMORANDUM ON COLLECTIVE BARGAINING

Submitted to the Select Committee of the Ontario Legislature by the Canadian Congress of Labour.

Mr. Chairman and Members of the Committee:

In accordance with the undertaking given by the undersigned officers of the Canadian Congress of Labour, when we appeared before your Committee on Wednesday, March 3rd, we are glad to submit in writing a brief resume of the statements made at that time, together with some further comments on the proposed legislation on collective bargaining now under consideration for the Province of Ontario.

In urging the Committee to recommend the adoption of such legislation, the Congress does so because of the desirability of protecting an elementary right of the workers, and also because such legislation would, in the opinion of the Congress, definitely





promote the public-welfare by improving relationships between workers and employers, and thus bringing about greater industrial harmony and more efficient production. It is particularly important from the standpoint of the war-effort that the right to organize be protected in view of the fact that collective bargaining is an expression of democratic principles as applied to industry. The protection of their rights will increase the morale of the workers; it will also enhance their respect for government, and give them a feeling of pride in their status as workers. It is not too much to say that sound labour policies are essential elements of victory, and that the Ontario Legislature may make a highly important contribution to the cause of democracy and freedom by passing adequate legislation along the lines which have been suggested on behalf of the Congress.

#### COLLECTIVE VS. INDIVIDUAL BARGAINING

Collective bargaining is the primary purpose of a labour organization. It involves the joint determination of the terms of employment by an association of workers, on the one hand, and an employer, or an association of employers, on the other, acting through their duly authorized representatives. It substitutes group action for individual action in negotiating, interpreting and enforcing agreements, and can be carried on



most effectively through Labour unions which are wholly independent of the employer.

Collective bargaining is therefore the antithesis of individual bargaining. When an individual worker applies to an employer or a representative of an employer for a job, there is likely to be some discussion between them with regard to the wages and conditions of employment. In certain circumstances, the individual worker may be able to obtain through such discussion a higher wage-rate than the one originally offered to him, and this may be considered the result of individual bargaining. For the most part, however, the individual worker must accept the terms and conditions laid down by the employer, simply because the employer does not need any particular worker, and there is usually an ample supply of labour. Furthermore, the worker's needs for the wages which his job will provide is vastly greater than the employer's need for the particular worker, and as a result the worker is naturally at a serious disadvantage. His labour is a perishable commodity, which he must sell from day to day in order to maintain himself and his dependents. The loss of a day's labour is ordinarily a disaster. The employer can afford to wait for a worker to accept the conditions he lays down; the worker cannot wait for the employer to give him what he thinks he ought to receive. From the standpoint of experience, of knowledge of



labour conditions and in every other respect, the employer has such an advantage that one is scarcely justified in using the term "bargaining" at all in connection with the relationships between the individual worker and the employer.

#### A STABILIZING FACTOR IN INDUSTRY

Collective bargaining has made considerable progress under modern industrial conditions, especially where large groups of workers are employed, because individual bargaining was found to be of little or no value to the workers. Much criticism has been levelled at labour organizations because of strikes. However, in the industries where collective bargaining has been widely accepted, and is most firmly rooted, such as on Canadian railways, and in the building industry, strikes are practically unknown. The same is true of the workers organized in the printing and clothing industries. Furthermore, a considerable proportion of strikes take place because of the refusal of an employer to recognize and bargain collectively with a union chosen by his employees as their bargaining agency.

#### THE RIGHT TO REPRESENTATION

There can be no question as to the right of workers to organize for the protection and the promotion of their interests as workers any more than to the right of employers to join such a body as the Canadian Manufacturers' Association or the Canadian Chamber of Commerce. However, although





nearly all employers admit that workers have a right to join a labour union, many of them refuse to negotiate an agreement covering wages and working conditions with representatives of the union, and they object particularly to dealing with representatives who are not themselves among the employees of the firm. On the other hand, such employers are almost invariably represented by legal counsel in negotiation, and it is obvious that the workers have an equal right to be represented by those who have had training and experience in such matters. The negotiation of an agreement is regarded as of primary importance by a labour organization, since not only are the terms of employment laid down clearly and in as much detail as may be necessary, but through sharing in the determination of wages and working conditions, the workers obtain a sense of partnership in the industry on a democratic basis. It is therefore essential that employers be required by legislation to negotiate with the representatives of the employees, whether or not such representatives are themselves employees.

#### NO COMPULSION EXCEPT BY AGREEMENT

Since all the workers covered by a particular agreement benefit from it, they may properly be expected to become members of the union which obtains the agreement, and to share equally in the expense of maintaining it. Except, however, where an agreement



between an employer and a union requires all workers covered by it to be members of the union, there is no compulsion upon any worker to join it. A labour union should be considered in the same light as a municipality or a nation in which a citizen is required to pay taxes for the support of communal or national activities. Governments have been established for the protection of the common interests of all citizens, and labour organizations are established by workers for a similar purpose. The will of the majority should govern in the field of labour organization as in the field of government. It is evident that the stronger the union becomes, in membership and finances, the more effectively it will carry on its functions. There can be no valid excuse for refusal to join a union, but some workers are unwilling to pay union dues or to accept their obligation to participate in its activities and thus promote the general welfare of the workers concerned.

#### "COMPANY UNIONS"

With regard to shop committees, plant councils, or other associations of employees, commonly regarded by the labour movement as "company unions", the Congress wishes to confirm the statement already made to you that such bodies do not provide a proper basis for collective bargaining. In the first place, they are almost always dominated by the employer, directly or indirectly, and it is



axiomatic that an employer cannot bargain with himself; he cannot sit on both sides of the table at the same time. Even in cases where the employer has not actively encouraged the formation of a company union, the fact that the officers of such an organization are employees of the firm, and therefore liable to be dismissed or discriminated against by an employer, makes it impossible for them to represent themselves and their fellow-employees effectively in dealing with the employer. As has been mentioned previously, the employer ordinarily has had considerable experience in the negotiation of contracts of various kinds, and is usually assisted by counsel, whereas the average worker has had no experience whatever in matters of this kind, and is unable to take an independent stand in opposition to the wishes of his employer. There can be in the circumstances no true collective bargaining with a company union, under whatever name it operates, and it may be assumed that wherever such bodies exist they have been established at the instance of the employer, with a view to preventing the formation of bona fide independent unions.

There is nothing new in the tactics of employers who are opposed to labour organization. In ordinary circumstances, employers discharge workers who actively participate in forming a union, but, in periods such as the present, when there is a shortage of labour, a favourite device is the establishment of





a company union. A considerable extension of this practice has taken place since it became known that the Government of Ontario proposed to pass legislation which would protect freedom of association and collective bargaining.

#### FRAUDULENT IMITATIONS OF LABOUR UNIONS

The objection of bona fide labour unions to company unions is that the latter are nothing more than fraudulent imitations of genuine labour organizations; they are quite incapable of carrying on collective bargaining, and they are deliberately used by employers to offset efforts to establish unions which will be independent of employers, and therefore in a position to protect the rights of the employees. A company union is therefore worse than useless from the standpoint of the employees, as they receive nothing through its operation which would not be given by the employer in any event. Actually, under a company union set-up, the workers obtain no benefits as of right, but mere concessions which may be withdrawn at the will of the employer. While there are no doubt some workers who are quite willing to accept benefits which do not cost them anything, except their independence and self-respect, there are many others who realize fully that the employer is endeavouring to delude them by setting up a company union instead of permitting them to organize freely in the union of their choice. There can be no attitude of mutual confidence in such



circumstances, and no basis of harmonious relationships.

There has been a tendency in some quarters to minimize the importance of the labour movement, and to create the impression that a large number of workers are organized in company unions. While statistics are not available on this point, the Congress believes that the number of workers employed by firms which have established company unions is very small in comparison with those in which the firms are dealing with unions independent of the employer.

#### THE UNITY OF LABOUR

It is obvious that the effectiveness of the labour movement in protecting the interests of the workers depends largely upon the numbers of workers whom it represents. It is therefore desirable from the standpoint of the workers as a whole that as many workers as possible should be organized in labour unions and co-operate through central labour bodies. This is expressed in the familiar slogan, "In unity there is strength", which applies to labour organizations in the same way as to any other human activity. Consequently, the labour movement strives to promote the organization of workers in bona fide unions rather than in company unions, which are necessarily of an isolationist character. They have no common interest with one another since they are simply instruments of the employer, and the interests he has in common with



other employers are presumably taken care of by the Canadian Manufacturers' Association or some similar body.

On the other hand, workers cannot be organized in genuine labour unions against their will, and no union can succeed unless it has the support of at least a majority of the employees in the particular plant or industry which is being organized. If a majority of any group of workers do not wish to be organized at all, or do not wish to replace their company union by an independent union, this is not a matter which can be remedied by legislation. A labour union is a democratic body which requires personal effort as well as financial support; its members must be willing to accept office and the responsibilities which office involves; they must be willing to attend meetings, to discuss contract negotiations, grievances, etc.; and to fulfil as workers similar obligations to those which devolve upon them as citizens in a democratic community. All that may properly be asked for in the circumstances is that employers be prevented by legislation from encouraging the formation of company unions or interfering in any way with the freedom of their employees to establish whatever collective bargaining agency they may choose. This would mean in practice that an employer would be required to cease any domination of or assistance to a company union, and thus permit it to achieve independence or be replaced by a more effective form of organization.





## UNION RECOGNITION

In many cases, however, while an employer does not object to his workers becoming organized in the union of their choice, and where he does not endeavour to set up a company union, he nevertheless, refuses to negotiate an agreement with the union, or even to discuss wages and conditions with the representatives of the employees. This has the effect of rendering labour organization futile, and denying the right of workers to protect and promote their interests by means of organization, a right which the employer himself uses freely in joining such a body as the Canadian Manufacturers' Association. In no case, so far as we are aware, have organized workers refused to negotiate a collective labour agreement with their employer simply on the ground that he was a member of the Canadian Manufacturers' Association, but there have been a number of cases where employers have refused to negotiate an agreement because their workers were members of a particular union.

In order to ensure to organized workers the right to bargain collectively with their employer, legislation making collective bargaining compulsory is essential; it would, of course, apply only to those employers who are unwilling to grant an obvious right to their workers, and who are therefore adopting an attitude which is wholly unjustifiable. No fair-minded and reasonable employer could be subjected to penalties under such legislation.



It is obvious also that employers should be required to bargain collectively with the union which has been chosen by a majority of their employees as their collective bargaining agency, and that the workers should be free to choose any representatives they desire in negotiating an agreement. This right is freely exercised by the employer, and an employer who is unwilling to grant it to his employees may properly and justly be compelled to do so.

#### BASED ON PRINCIPLES OF JUSTICE

The request for legislation which would protect the right of workers to become organized in the union of their choice and to bargain collectively through it is based on broad principles of justice and fair dealing. A review of the history of labour organization indicates that this right has been increasingly recognized. When labour unions were first organized in Great Britain, they were regarded legally as conspiracies, and workers who endeavoured to organize them were severely punished. Gradually, however, both in Great Britain and on this continent, the workers have won respect for their rights, and these are now taken for granted in Great Britain and protected by law in the United States. It has been suggested that Ontario should follow the British rather than the United States method of dealing with this matter, but such suggestions overlook the fact that the rights of the workers in Great Britain were won only through more than a



century and a half of bitter struggle and industrial disruption. Why should it be necessary for Canadian workers to fight for rights which are now recognized in Great Britain? Surely we can profit by the lesson learned at such great cost by the Mother Country, and insist that employers follow present British practice rather than continue a state of chaos and civil war. This is not a matter of economic interests, but of human rights which certain Canadian employers deny to their workers. It is the function of government to protect those rights, and the Congress therefore urges that the Ontario Legislature provide the necessary legal sanction for their exercise, with appropriate penalties for infringement of them.

#### THE ARBITRATION OF DISPUTES

The Congress believes that every labour agreement should make provision for the arbitration of any dispute arising out of the agreement, that is, any difference of opinion with regard to its interpretation or application or any infractions of it by either party, which cannot be otherwise adjusted. It has been found in practice that such provisions lead to the prompt and amicable settlement of disputes which might otherwise lead to strike and lockouts.

#### DETERMINATION OF THE BARGAINING AGENCY

It is further essential that provision be made for the determination in cases of dispute, of the collective bargaining agency which is the choice of the majority of the employees concerned. The legislation should





therefore authorize the Minister of Labour, or his representative, to ascertain by vote or otherwise the wishes of the employees, and to require that the certified collective bargaining agency be recognized as such by the employer.

#### INCORPORATION OF LABOUR UNIONS

Suggestions have been made from time to time that labour unions should be incorporated or required to register with the Government. The Congress does not believe that any public interest would be served by the adoption of such a procedure, but on the other hand it has no objection to the requirement that Labour unions furnish to the Minister of Labour copies of their constitutions and by-laws and any other information which may reasonably be requested. Such legislation might also properly apply to associations of employers.

In conclusion, the Congress would like to point out that legislation of the character referred to is not likely to cause a sudden outburst of organizing activity; it is designed simply to remedy an obvious injustice, and to provide protection for rights which have been denied in the past by some employers. The mere existence of the legislation will no doubt be sufficient to change their attitude, in many cases, with the result that disputes arising out of refusal to recognize and bargain collectively with the union of the workers' choice will be reduced to a minimum. In any event, the Congress believes that your Committee



realizes the desirability of taking action along the lines which have been suggested by the Congress and by other labour organizations, and that your recommendations will be based upon not only the facts which have been placed before you, but upon the principles of justice and democracy which are involved in the proposed legislation.

Respectfully submitted.

THE CANADIAN CONGRESS OF LABOUR,

A. R. MOSHER

President

PAT CONROY

Secretary-Treasurer

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(Page 1495 follows)



MR. FURLONG: Mr. Chairman, the Automotive Transport Association of Ontario asked to be heard today, but instead of coming here they have sent this wire:-

"ST. THOMAS, ONT., MAR 17 1943.

W.H.FURLONG,

COUNSEL COLLECTIVE BARGAINING COMMITTEE,  
QUEENS PARK.

DELAYED AT THIS POINT AND REGRET INABILITY TO  
BE PRESENT. AS REPRESENTATIVES OF A VITAL  
PART OF ONTARIO COMMERCE WE ARE OPPOSED TO  
COMPULSORY COLLECTIVE BARGAINING UNLESS UNIONS  
AND THEIR REPRESENTATIVES ARE PLACED ON A  
COMPARABLE BASIS WITH EMPLOYERS. THAT UNIONS  
SHOULD BE REGISTERED AND COMPELLED TO FILE  
ANNUAL FINANCIAL STATEMENTS CONSTITUTION  
AND BYLAWS AND THAT THEY SHOULD BE SUBJECT  
TO LEGAL PROCEEDINGS FOR VIOLATION OF  
AGREEMENTS AND THAT SEVERE PENALTIES SHOULD  
BE PROVIDED FOR ILLEGAL STRIKES OR STOPPAGES  
THIS WE SUBMIT WILL TEND TO ELIMINATE UNFAIR  
PRACTICES AMONGST LOCALS OF UNIONS AND WILL  
PLACE ORGANIZED LABOR AS A WHOLE ON A HIGHER  
LEVEL.

(Signed) J.O.GOODMAN  
GENERAL MANAGER THE AUTOMOTIVE TRANSPORT  
ASS'N OF ONTARIO."

THE CHAIRMAN: Who is he?

MR. FURLONG: Mr. J.O.Goodman is General Manager  
of the Automotive Transport Association of Ontario.

MR. MACKAY: They will not be here?





MR. FURLONG: They will not be here.

--EXHIBIT NO. 177: Telegram, St. Thomas, Mar. 17, 1943, from J.O. Goodman, General Manager, The Automotive Transport Ass'n of Ontario, to W.H. Furlong, K.C., Counsel, Collective Bargaining Committee.

THE CHAIRMAN: I have a communication which has just come in from the National Council of the Young Women's Christian Association of the Dominion of Canada. They are in favour of Collective Bargaining.

It reads as follows:-

"March 17, 1943.

Major J.H. Clark,  
Chairman, Select Committee  
on Collective Bargaining,  
of the Ontario Legislature,  
Parliament Buildings,  
Toronto, Ontario.

Dear Sir:

The Committee on Women in Industry of the National Council of the Young Women's Christian Association of Canada has followed with interest the proceedings and hearings before this Select Committee of the Ontario Legislature, and at a recent meeting voted unanimously their support of legislation designed to make collective bargaining mandatory, and to eliminate unfair practices by employers which prevent the achievement of a true collective bargaining agency.

The Y.W.C.A., through its programme and activities, has served women and girls in Canada for the past seventy-five years. With the outbreak of war, new responsibilities have been



placed upon us. We have considered it of special importance to meet the needs of the thousands of women and girls who have gone into industry at the urgent request of their Government.

Consequently, this Committee on Women in Industry has been formed to correlate the work of the local Associations across Canada and to give study to the special problems facing employed young women and girls.

At the last National Convention of our organization, we placed on record our belief in the rights of labour to organize and to bargain collectively and pledged our support to that essential principle of democracy. Our present contact with young women employed in industry, many for the first time, many in communities new to them, has strengthened and confirmed us in our belief that the interests of the workers and the best interests of the community and our country in this time of war can only be served by providing legislation that clearly and unequivocally provides for the right of workers to organize in unions of their own choice and to bargain collectively. It is reasonable and just, in our opinion, that young women facing the hazards and difficulties of industrial work be protected by law from intimidation and discrimination by employers who would prevent them from joining organizations of their own choice.



Our Committee will continue to watch closely the action of the Ontario Government in respect to policy in the field of labor organization.

Respectfully submitted,

(Signed) Margaret Strong,

Dr. Margaret Strong,  
Chairman, National Committee  
on Women in Industry.

(Signed) Margaret I. Kinney,

Margaret I. Kinney,  
Executive Secretary, National  
Committee on Women in Industry."

---EXHIBIT NO. 178:

Letter, Margaret I. Kinney,  
Executive Secretary, National  
Committee on Women in Industry,  
to Major J.H. Clark, Chairman,  
Select Committee on Collective  
Bargaining, Parliament Buildings,  
Toronto, Ontario, dated March 17,  
1943.

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MR. FURLONG: Is Mr. Beattie here? Apparently  
that is another organization we can cross off the list,  
Mr. Chairman. :

That finishes the business for this afternoon, Mr.  
Chairman.

THE CHAIRMAN: Then, we will now adjourn until  
7.30 this evening.

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-- Whereupon, on the direction of the chairman, the  
committee adjourned at 3.55 p.m. until 7.30 p.m.

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WEDNESDAY, MARCH 17, 1943

EVENING SESSION

---On resuming at 7.30 p.m.

THE ASSOCIATION OF PROFESSIONAL ENGINEERS  
OF THE PROVINCE OF ONTARIO

W.C. MILLER, Sworn.

MR. FURLONG: Q. What position do you hold with that organization, Mr. Miller?

A. Immediate past president.

Q. How many members have you?

A. They are set out in the brief.

Q. All right, proceed with the brief.

A. "Mr. Chairman:

"We represent the ASSOCIATION of PROFESS-  
IONAL ENGINEERS of the Province of Ontario.

Associated with me are Professor G.B. Langford, Professor of Mining Geology at the University of Toronto and Mr. J.H. Smith, Engineer with the Canadian General Electric Company, who are members of our Council and I am the immediate Past-President of the Association. We have been authorized by our Council to appear before you to-night and to submit this brief."

THE CHAIRMAN: Does that include all kinds of engineers, electrical, mechanical, and every other kind?

A. Yes, sir.

"Last week, a submission was made to this committee that any collective bargaining



"legislation introduced, should include in its scope technical personnel. That is the only reason we are here and our presentation will take only a very few minutes of your very busy agenda.

"Our Association consists of ALL professional engineers in this province who are permitted by law to practise and controls all recorded Engineers-in-Training. The Legislature, of which you are a committee, has seen fit to enact that no one shall practise engineering in this province and assume the technical responsibilities for life and property which is the Engineer's concern unless he is registered with this Association. We are charged, among other things, with seeing that all those who are admitted to practise in this province are properly qualified. We operate in the same manner as the Law Society and the Medical Association. Our actions in the administration of the practice of Engineering in this province are subject to review in the courts if any affected person is not satisfied with the decision of the council in his case. Furthermore, your own Legislature is directly represented on our council. It is composed of representatives not only of practicing engineers but also of the Legislature since the Lieutenant-Governor-in-Council appoints one third of the councillors. Thus, the interests of the public are protected



"as well as those of the engineering profession.

"Our Association represents the engineers in this province and is the only organization entitled to speak on behalf of those who may practice in this province legally. A professional engineer, that is, one commonly known to the public as a civil engineer, a mechanical engineer, an electrical engineer, a mining engineer, or a chemical engineer, who is not a registered member of our organization is not allowed by law to be employed in the engineering profession in this province. Thus, Mr. Chairman, our presentation is made on behalf of 2,845 professional engineers, and 2175 engineers-in-training who are recorded with us preparatory to their admission to practice, by the only organization that legally represents them.

"The engineers in Ontario who are legally authorized to practise submit, through their council, which we represent here tonight, that in any collective bargaining legislation, Engineers in practice and in training do not wish to be included with any technical personnel who are not engineers. We submit that all those parties who may now legally call themselves Civil Engineers, Mechanical Engineers, etc. or practise as such, or who are Engineers-in-training, can work out their problems in their own way under EXISTING legislation applicable to them as a





"profession. We do not make any submissions at all with respect to the principle of collective bargaining. We are simply speaking for our own all inclusive membership. In the event of this committee recommending that collective bargaining legislation be adopted in Ontario, the engineers of this province, with the Engineers-in-training, speaking through the only organization that can legally represent them simply ask that they be excluded from the operation of any such legislation."

That, Mr. Chairman, is all we have to present to you unless anyone wishes to ask any questions.

---

ONTARIO MILK DISTRIBUTORS' ASSOCIATION

P. BRUCE SCOTT, Sworn.

WITNESS: Mr. Chairman and gentlemen, first I would like to express on behalf of our organization our appreciation of this opportunity to present our views to you, in the hope that we may be of some assistance in the task you have to carry on.

"The Ontario Milk Distributors' Association is a voluntary organization whose membership includes a majority of the fluid milk distributors throughout Ontario and it is calculated that our members process and deliver over 75% of the fluid milk consumed in the province. As



"an organization, we have served the industry for fifteen years, having at no time any control of any kind over any individual or firm in the industry.

"Our Board of Directors are men of long experience in the Industry, representing every type and size of operator from all parts of the province. Their objective is always the welfare of the Fluid Milk Industry as a whole, from the standpoint of Producers, Distributors and Consumers, whose interests are co-related.

"Our purpose is always to promote a better understanding of the government rules and regulations throughout the industry and, by voluntary co-operation, to study and improve our methods and products as well as conditions within the industry.

Federal and Provincial government bodies recognize the Ontario Milk Distributors' Association as representing the majority viewpoint of the industry in Ontario and that is the basis of our desire to present our views to you at this time.

"We believe our claim that our product is of vital importance to the national welfare is established by the fact that milk holds a most prominent place in the Federal Government's nutrition programme and, further, by the fact that the same government has provided a subsidy



"to the primary producers in the hope that production will be sufficient to meet all requirements, and a subsidy to assist consumers to purchase milk.

"As an industry, we do not oppose the broad principle of Collective Bargaining, so long as it does not interfere with the freedom of the employee to decide whether or not he wishes to belong to an organization and, if he does, which organization he desires to join. To put it in another way, we are opposed to the principle of the 'closed shop.'"

If I may interject here, Mr. Chairman, company organizations have been operating in a number of dairy firms in the Province over a number of years, and I am quite sure that the members of the industry are sincerely interested in the welfare of their employees. They have found that these company organizations have been very effective, particularly where the employees have the full say as to collective bargaining, and full jurisdiction in the operation of their organizations, and that is the case in a number of the companies in the Province.

"If the principle of the 'closed shop' prevailed among operators in the producing, processing and distributing phases of our industry, it would be compulsory for every producer to be a member of the producers' association before he could ship milk to a dairy and it would likewise





"The compulsory for every distributor to be a member of the distributors' association before he could secure a license from the government to operate, which would be on the same basis as the 'closed shop' for employees. We have always opposed this principle and feel that its adoption would be adverse to the best interest of the public.

"Regardless of any other legislation your Committee may consider necessary, we believe that provision should be made to protect the public against strikes in this essential industry. A strike in any branch of the Fluid Milk Industry is a strike against the public because fluid milk is a perishable food and nutritionists consider its regular consumption essential for practically all homes. Milk is the only food for infants and many invalids. Any interruption in its processing and delivery may prove to be a serious menace to the health of these people.

"The Fluid Milk Industry is a specialized industry handling a highly perishable farm product, the source of supply of which cannot be shut off in the same manner as in most industrial plants. Failure to process and deliver one day's supply of milk in a large city would represent a loss to the farmers of approximately \$20,000 for that day.

"For the duration of the war any scarcity of



"milk supply will be a serious national problem and a strike in any phase of the Fluid Milk Industry affecting any of the markets in Ontario would so disrupt the regular channels of production, processing and distributing that there would be a large waste of this essential food which could not be avoided or replaced.

"In submitting this brief it is our sincere hope that, in any legislation your committee recommends to the Legislature, due consideration will be given to the importance of avoiding any unnecessary interruption in the supply of fluid milk to the public."

MR. FURLONG: Mr. Scott, how many associations have you in your body?                   A. Well, we don't have a number of associations in our body. We are a provincial organization in which the individual distributor is a member, and then in each local market: for instance, Toronto, Hamilton, London, Windsor, Ottawa, there are local associations where there is a local secretary-manager who looks after the local problems of the industry. Their members are to a large extent members also of the provincial association, and quite frequently - in fact, almost always - whenever anything comes up in any local market which may be affected by provincial regulations, that is, that may affect the whole Province, these local secretaries and their associations deal with the Milk Control Board through the provincial association.



Now, they are not part of it, if you get what I mean, but we are all working together. They are not what you would call direct members, yet the members of the industry who are members of these associations are in most cases members of the provincial association.

Q. Are the employees of the individual companies unionized?                   A. In some cases.

Q. What unions are they?                   A. I couldn't tell you that.

Q. Are there any of the international unions?

A. I really could not answer that, but I know there are some unions.

Q. Apparently they function without any difficulty with regard to your association or the provincial laws?                   A. The association so far has

not taken any part in the labour relations, as it were. Those are matters which an individual company looks after itself. But in this case it was felt we should present to your Committee the views of the industry, particularly with regard to the possibility of interruption in supply.

MR. FURLONG: Thank you.

---





EMPLOYEES MANAGEMENT CO-OPERATIVE PLAN  
OF THE BORDEN COMPANY

JOHN B. ARMSTRONG, Sworn.

WITNESS: Mr. Chairman, gentlemen, on behalf of the representatives which this Association represents, I would like to present this brief to you from the men of the Borden Company:

"The undersigned do hereby submit the following brief in support of collective bargaining through what are sometimes called Company, or Independent Unions.

"This presentation is made at the specific request of the employee's Local Committee Chairman, of The Borden Company Limited, attending a council of chairmen meeting, at Toronto, on Wednesday, March 10th, 1943 - each such Chairman being duly elected by and from the rank and file of employees of the Company in the Province of Ontario.

"Since 1930, employees of The Borden Company Limited, have had collective bargaining with the Company through employee representation plans. Such plans provide for monthly mass meetings of employees, with their duly elected employee committee men, to discuss and recommend changes in working conditions.

"Proposed changes in working conditions are considered by a joint conference committee consisting of an equal number of employee and



"management representatives.

"The decisions arrived at by the joint conference committee, to become effective, must receive the approval of the management and the employees involved. In the event a satisfactory solution cannot be arrived at by the employees and management then arbitration is provided. The arbitration committee consists of three members - one selected by the management, one selected by the employees and these two select the third member.

"Should the employee and management representative fail to agree on the third member, the Provincial Department of Labour is asked to select a third member from its Department. Decisions rendered by a board of arbitration are final and binding on the employees and the management."

MR. MACKAY: Did you say further back that you had collective bargaining now with your group?

A. Yes, sir.

"Since the beginning of these plans, matters which have been considered and satisfactorily settled, include such important items as wages, hours of work, vacations and many other working conditions.

"The workers, whom we represent, are the only one's qualified to determine the sincerity of purpose of our employee representation plans



"and the method they provide for collective bargaining. They have supported the plans for more than twelve years.

"Recently, in the City of Windsor, when the question of 'who should represent the employees, the Employee Representation Plan or an outside Union?' was put to a secret vote, supervised by a member of the Ontario Government, Department of Labour, the employees voted more than two to one in favour of the Employees Representation Plan."

Gentlemen, here I have the official record by the Provincial Government:

"DEPARTMENT OF LABOUR

Office of

THE CHIEF CONCILIATION OFFICER

February 2<sup>nd</sup>, 1943.

"Mr. G.W. Ballintyne  
Borden Co. Ltd.  
Windsor, Ontario

"Dear Sir:

"The vote conducted in your plant on Thursday, February 18, 1943 resulted as follows:

"Do you want to bargain collectively with your employer through the employees management co-operative plan?

64

or

Do you want to bargain collectively with your employer through Windsor Milk Drivers & Dairy





"Workers Union, chartered  
by the Canadian Congress  
of Labour affiliated with  
the C.I.O?"

	<u>30</u>
Spoiled	<u>0</u>
TOTAL	<u>94</u>

"Yours truly,

"(Signed) Geo. L. Fenwick."

MR. FURLONG: Q. You have really set up a board  
of arbitration by secret ballot? A. Yes, sir.

Q. And that is really an independent union?

A. Yes, sir.

Q. The company does not finance it or control  
it? A. Not at all.

Q. I think you have a true form of collective  
bargaining. A. Absolutely.

Q. You might proceed.

A. "What we particularly want to bring forth,  
by this presentation, whether our words clearly  
convey our thoughts or not, is that we have  
real collective bargaining through our repre-  
sentation plans and we want to continue to have  
this right.

"To this end, the council of chairmen, re-  
ferred to in this brief, approved the following  
resolution, by a unanimous vote, at the meeting  
on Wednesday, March 10th, 1943:-

"It is the opinion of the Council of Chairmen,  
representing the employees' representation  
plans, operating in The Borden Company Limited,



"in the Province of Ontario, that the right of choice as to what organization, through which collective bargaining should be effected, should not be restricted in any manner by any law to prevent such bargaining through so called Company or Independent Unions which, in our case, would mean the employees representation plans. This opinion is prompted by the favourable experience of employees of The Borden Company Limited, since 1930 under employee representation plans.'

"We have bargained with our management through our employee representation plans by our own choice and further we have never, through intimidation or otherwise, tried to impose on any of our fellow workers membership in our employees' representation plan."

I would like to interject at this point that in this evening's paper there is a caption, "Milk Strike in Reverse." I don't know whether you gentlemen have seen it or not. It is very vague. It does not give any specific reasons. The way I get it through the press is that the unions want to force the men in Port Huron, I think it is, into a union, and the men do not want it, and it is said in the paper they are out on the strike, and only city hospitals are being supplied. Any further details I cannot give you on that. It is just what I saw in The Evening Telegram



tonight.

---(Whereupon the Committee adjourned at 8.10 p.m.  
until 10 a.m.)

(Page 1514 follows)









THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

-----  
TWELFTH DAY  
MARCH 18, 1943  
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INDEX TO CONTENTS

Communications .....	1515 1753
Submission by Labour Youth Federation ..	1532
Submission by Bert W. Lang .....	1540
Submission by Mr. J. B. Aylesworth on behalf of companies enumerated in head- ing thereof.....	1630
Submission by Professor Finkelman re Analysis of Legislation relating to Collective Bargaining in the Common Law Provinces of Canada.....	1652
Memorandum re Origin, Principles and Administration of National Labor Relations Act in U.S.A.....	1684
Memorandum re Trade Union Legislation in Great Britain .....	1693
Memorandum re Pennsylvania Labor Relations Act.....	1701
Re The Steel Company of Canada,.....	1719

-----



LIST OF EXHIBITS (2)

NO.	190	Reader's Digest, issue of December 1942: Reference to article on "American Rights for Union Members" by William Hard, at page 10.....	1646
	191	Article entitled "The Union and its Members" by Leo Wolman, appearing in part four of The Detroit Free Press, issue of Sunday, March 7, 1943.....	1646
	192	Handbill "To the Employees and Management of Hamilton Ontario Stelco Works dated Hamilton, March 15, 1943.....	1729
	193	Letter dated March 16, 1943, from A.O.Thormahlen, Vice-President and Managing-Director Sawyer-Messey Limited, Hamilton, to Premier G.D.Conant.....	1753
	194	Letter dated March 16, 1943, from the Rev. T. H. Bradley to the Hon. Gordon Conant.....	1758
	195	Letter dated March 16, 1943, from Grace M. Lediard, City Clerk, Owen Sound, Ontario, to the Hon.G.D. Conant.....	1759
	196	Letter dated March 16, 1943, from H.C.Pilley, City Clerk, City of North Bay, to the Hon.G.D.Conant.	1760
	197	Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Prince Edward Branch, No. 94, The Canadian Legion of the British Empire Service League, Windsor, to Premier Conant.....	1761
	198	C.P. telegram dated Windsor, March 18,,1943, from Murray Yuffy, President, Windsor BNA British Lodge, to the Hon.J.H.Clark,K.C.	1765





LIST OF WITNESSES

Wales, Miss Grace .....	1622
Bruff, Miss Thelma .....	1636
Lang, Bert W. ....	1640
Finkelman, Professor Jacob .....	1652
Lott, A. L. ..	1719

---



# LIST OF EXHIBITS

NO.	179	Letter March 15, 1943, T. English to Mr. W. H. Furlong.....	1516
	180	Telegram, March 16, 1943, from Cafeteria and Restaurant Union, Local 168, to Chairman of Select Committee.....	1519
	181	Letter Canadian Lumbermen's Association to Secretary, Collective Bargaining Committee, dated March 16, 1943.....	1519
	182	Letter dated March 15, 1943, United Electrical, Radio & Machine Workers of America, Hamilton, to Select Committee, .....	1523
	183	Three letters, two dated March 15, 1943, and one dated March 9, 1943, from the Canadian Association of Railwaymen to Mr.W.H.Furlong,.....	1524
	184	Letter dated March 15, 1943, from Supertest to the Hon.Mr.Conant...	1526
	185	Letter dated March 9, 1943, from N. W. Mitchell to Chairman of Committee, .....	1530
	186	Submission by The Canadian and Catholic Confederation of Labour, Inc., 19 Caron Street, Quebec City, P.Q., on labour unions and collective bargaining.....	1612
	187	Letter dated March 17, 1943, from S.J.Frame, Secretary, Canadian Founders' and Metal Trades' Association to the chairman of the Select Committee on Collective Bargaining.....	1616
	188	Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Branch 94, C.L.of the B.E.S.L., Windsor, enclosing letter dated Windsor, March 13, 1943, from H.M.Smale .....	1621
	189	Letter dated March 16, 1943, from J.O.Herity, Manager, Belleville Chamber of Commerce, to Chairman of Committee on collective bargaining enclosing resolution on Manufacturers' Division of said Chamber of Commerce.....	1625



THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J.H. Clark, M.P.P. Chairman.	Windsor-Sandwich Riding
Mr. E.J. Anderson, M.P.P.	Welland Riding
Mr. W.J. Gardhouse, M.P.P.	York West Riding
Mr. J.A.A. Habel, M.P.P.	Cochrane North Riding
Mr. H.L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F.R. Oliver, M.P.P.	Grey South Riding
Mr. J.P. Mackay, M.P.P.	Hamilton East Riding
Mr. T.P. Murray, M.P.P.	Renfrew South Riding

TWELFTH DAY

In Committee Room No.1  
Parliament Buildings  
Toronto

Thursday, March 18, 1943 at 10 a.m.

PRESENT: The Chairman and all the members of the Committee above named

---Mr. W.H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J.B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.





MORNING SESSION

MR. FURLONG: There are some more petitions in favour of the bill, and a communication from Mr. Gare of St. Catharines. His committee was here, and this will be part of another bundle previously.

I have a letter here from Sudbury, from Thomas English in favour of the bill;

A wire from the Cafeteria and Restaurant Union in favour of the bill;

A letter from the Canadian Lumbermen's Association, which sets out that they do not think this Act should include them, due to the particular kind of business that they have. I think that should be written into the evidence as a brief.

A letter from Mr. Walker of Hamilton who gave evidence the other day, setting out further facts about the Sawyer Massey company. I think that possibly should go in as a brief.

A letter from Charles Beattie, President of the Canadian Association of Railwaymen. He was to give evidence the other day but could not get here from Winnipeg. There is a very short brief here which should go into the evidence. He is not opposed to collective bargaining, but he feels that the law here should be the same as it is in Australia.

A letter from the Supertest which briefly states that this is a job for the Dominion Government and not the Province.



A letter from N.W. Mitchell, who gave evidence here on behalf of the Bell Telephone union. He sets out briefly that:

"There appears to be an inconsistency, relative to 'Freedom of Association' indicated by some of the remarks by Leaders of Labour Organization. Freedom of association can only mean that an individual or a group of employees should have the right to determine his or their own bargaining agency;" and he advocates that nothing be done to interfere with the telephone union.

---EXHIBIT 179: Letter March 15, 1943, T. English to Mr. W.H. Furlong, reading:

"Sudbury, Ontario,  
March 15, 1943.

"Mr. W.H. Furlong, K.C.,  
Counsel Select Committee on Labour Legislation,  
QUEENS PARK,  
TORONTO, Ontario.

"Dear Sir:

"In reference to the report in Tuesday's Star, March 9th, of Mr. E.C. Facer, Tom Moland, and Alex Anderson who went to Toronto to represent supposedly the workers of Sudbury. This is absolutely false as these three men did not consult the majority of the workers but went to Toronto on behalf of their own U.C.N.W. Union using the Sudbury workers as a disguise. They went to try and break up an organization which the majority of the men here in Sudbury preferred.

"Mr. E.C. Facer is not a worker in the mine or smelter but a prominent lawyer who is a paid



"spokesman so therefore, he does not know conditions men work under here and the need of a Collective Bargaining Bill.

"Quoting Mr. Facer on saying, 'Our Union came from the employees, was founded on their own time, own expense without help from anyone. Our Union is absolutely independent.' unquote.

"This is an absolute falsehood for it is known and can be proved that men were allowed to leave their work to organize and still receive full pay. This held up production and caused a great deal of friction between men on the job.

"Quoting Mr. Facer again. 'The Company has not assisted or encouraged; on the other hand it has not discouraged us. We are against Company dominated unions. We also say that a union forced upon the employees by glib-tongued paid outside organizers is equally objectionable.' unquote.

"This is not so.

"Bosses were allowed to go around and give men pep talks and to threaten them of losing their homes, acting as stewards for the company union and also telling the men that if they joined the company union, they would get a military exemption, using Selective Service as a shield to hide behind in order to organize. They also promised men higher rate of wages if they joined up.

"I know the case of a man who left the Company's



"employment and was away for several months, reporting to Selective Service he was sent back to his old job. On rehiring, he was not placed on his old job but promised if he joined the company union he would get the same job back.

"There are dozens of cases of this kind going on here everyday. There is no committee that could get a fair picture of this community sitting three hundred miles away.

"You have to be living and working here to know the need of a legitimate union free of all company domination in any way.

"This community has been known as a prison for years and with the aid of a few selfish citizens they are trying to keep it that way.

"When the workers felt they must organize into an International Union, then the company immediately organized the U.C.N.W. in order to split the men up so they, the company, would have the last say once again.

"If we are to have a better post war world, the workers must be free to think and join an organization of their choice, if this is not so, the war that is being fought today will repeat itself again in another 20 years.

"As a worker of the Nickel district, I urge you to pass the Collective Bargaining Bill and to outlaw all company dominated unions and to give





"the people the freedom they are fighting for.

"Yours truly,

(Sgd) "T. English

"Thomas English."

---EXHIBIT 180: Telegram, March 16, 1943, from Cafeteria and Restaurant Union, Local 168, to Chairman of Select Committee:

"Toronto, Ont. March 16 1943. 1113 AM.

"Chairman of Selected Committee,

on Collective Bargaining, Queens Park.

"Cafeteria and Restaurant Employees Union Local

One Six Eight is urging you to fulfill your duties as representatives of the people and enact the deal of labours rights and prepare the way for postwar securities.

"Nick Vimoff

"Secretary Treasurer of the Cafeteria and Restaurant Union, Local 168, 325 Yonge Street."

---EXHIBIT 181: Letter Canadian Lumbermen's Association to Secretary, Collective Bargaining Committee, dated March 16th, 1943, as follows:

"March 16th, 1943.

"Mr. Patterson Farmer, Secretary, Collective Bargaining Committee, Room 220, Parliament Buildings, TORONTO, Ontario.

"Dear Sir:

"This Association has received submissions from its Ontario members on the subject of the Collective Bargaining Bill which is the subject



"of enquiry of your committee.

"On behalf of these Ontario members, I am directed to draw your committee's attention to the difficulty which would be attendant on the application of such legislation to a seasonal industry such as the lumber industry.

"In the Province of Ontario, the lumber industry and agriculture are really complementary industries. It is estimated that between 70 and 80 percent of the labour employed in lumbering operations is farm labour which is given employment during seasons when such labour can be spared from the farms. There is neither the continuity of employment nor the continuity of labour personnel in the lumber industry which exists in many other industries and consequently it is felt that it would be as inapplicable to apply collective bargaining to the lumber industry as to agriculture.

"For the information of your committee I am asked to briefly review the practice of employment among the larger operators in the Province of Ontario:

"First: In the late fall, men are recruited from the farms and other sources where summer labour has been laid off, taken to the bush camps, sometimes near at hand, sometimes hundreds of miles distant. These



"men are employed in logging until the month of January or thereabouts, dependent on the season and the extent of the log cut.

"Secondly: Sleigh-haul begins usually in January.

Gangs, in many cases composed of farmer-teamsters sometimes with company horses, sometimes with horses hired from the farms and elsewhere, haul the logs cut to dumps on the rivers and lakes or to main roads. This operation is usually completed by the end of February or at latest the middle of March.

"Thirdly: The river drive commences when the ice on the rivers and lakes breaks up and continues dependent upon location for a matter of weeks or months until the logs are delivered to the mill.

"Fourthly: Sawmilling in the case of softwoods commences usually in May or June but earlier in the case of hardwoods and usually continues until freeze-up.

"Distinctly different gangs function in all four operations and there is a great turnover of personnel in each operation by reason of its seasonal nature and its recruitment largely from agriculture where men are also seasonally employed.

"A further complicating factor is the fact that such legislation would be inapplicable to





"the steadily increasing number of small saw-mills (estimated between 1000 and 1500 in Ontario) which are often operated by farmers or others as a sort of family affair--only a few men are employed and often without wage contracts. It has not been found practicable to make Workmen's Compensation legislation applicable to all these small mills, and the Dominion authorities completely evade the issue in the matter of Sales Tax by excluding them from its application. While individually small their total production is considerable. It is estimated that through Sales Tax and Workmen's Compensation exemptions alone they now have an advantage of over 15 percent exclusive of the advantage from freedom of overhead and restrictions as to wages and hours of wage contracts. In normal times their competition with the standard mills is serious, and tends to keep lumber prices at an uneconomic level to the detriment of lumbermen, employer and employee, and to the Crown which is the principal owner of timber limits.

"The Association respectfully submits that under the circumstances the application of such legislation as is being studied to the lumber industry might be calculated to be more harmful than beneficial to both employer and employee (bearing always in mind that the majority of the latter are farmers). A precedent for the exclu-



"sion of lumbering from somewhat similar legislation is to be found in the Dominion Unemployment Insurance legislation.

"Yours very truly,

(Sgd) "W.J. LeClair

"W. J. LeClair,  
Secretary-Manager."

---EXHIBIT 182: Letter dated March 15, 1943, United Electrical, Radio & Machine Workers of America, Hamilton, to Select Committee, reading as follows:

"March 15, 1943.

"Select Committee on Collective Bargaining,  
Parliament Buildings,  
Toronto.

"Dear Sir,

"On Thursday March 11th, accompanied by another executive member of our union, I attended the hearings of your committee. We understood that representatives of the Sawyer Massey Employees Association were to present their opinions before your committee, and we were prepared to ask of them, questions for the record. It is unfortunate that they did not attend.

"We would like to place the following facts before you.

"1. A government conducted vote was held at the Sawyer Massey plant on Dec. 4, 1942, for the purpose of determining bargaining agency. The union won a 2 to 1 victory.



- "2. We believe the association can not possibly represent more than 50 to 75 workers.
- "3. We believe the by-laws of the Association were drawn up with the assistance of Mr. R.R. Evans, company lawyer.
- "4. The association did not contest the election on Dec. 4th, because there was no association.
- "5. The association was not organized until after the vote had been taken.

"Very truly yours,

(Sgd) "Floyd Walker

"Floyd Walker  
Pres. Local 520, UER&M/A."

---EXHIBIT 183: Three letters, two dated March 15, 1943, and one dated March 9, 1943, from the Canadian Association of Railwaymen to Mr. W.H. Furlong, reading as follows:

"March 15th, 1943.

"Mr. W.H. Furlong,  
Counsel for Collective  
Bargaining Committee,  
Queen's Park,  
Toronto, Ontario.

"Dear Mr. Furlong:

"I have received your message through my assistant at the office. May I put my message in this form, that I do not favour any check off system, nor do I favour any International Unions in Canada. I feel that Canadians are well able to take care of the Labour situation just as



"well as other colonial bodies are taking care of it, and I am prepared to give evidence on Wednesday morning, at 10:30 to that effect.

"Yours sincerely,

(Sgd) "Chas. Beattie  
President."

---

"March 15th, 1943.

"Mr. Furlong:

"Being in knowledge of the fact that you are Chairman of a Committee appointed to declare as to whether the Ontario Legislature should pass a Bill supporting Labour, or otherwise, I wish to state that I am greatly in favour of supporting a Labour Bill along the lines of the Congress of Labour of England and Australia, which gives the right to an employee to belong to an organization of his choice, and which also gives the right to an employee to be represented by a fellow employee, independent of who holds the contract of wages and working conditions.

"I personally feel that a full fledged, registered Canadian organization should receive the full support of the Ontario Legislature.

"We do not approve of the check off system inaugurated by the C.I.O., nor do we approve of the methods employed whereby they have secured a grievance, not with private firms but with





"Government owned. We also disapprove of the methods employed by the Canadian Congress of Labour and by the Trades and Labour Congress of Labour. We still feel that a man of Canadian birth and British origin should have the right to belong to an organization of his choice and be protected by the laws of this Country. The Canadian Association stands for this principle, freedom of thought, Labour and political. Also, as I have said before, a man has a right to belong to an organization of his choice, and that a minority organization as between employer and employee should have the right to adjust all grievances concerning their organization, with this proviso that the Union so designated is governed and controlled by the employees; that an employer and the employee has the right to meet together at all times.

"I appreciate your invitation to appear before you Wednesday morning, at 10:30 A.M. to give further evidence on this matter.

"Mr. C. Beattie."

---

"March 9th, 1943.

"Mr. W.H. Furlong,  
Counsel for Collective  
Bargaining Committee,  
Queen's Park,  
Toronto, Ontario.

"Dear Sir:

"I understand that the Committee as selected



"by the Prime Minister is now taking evidence as to why, or how, the Labour Bill should be presented and passed by Ontario Legislature. Being President of an independent all Canadian Union, I am at a loss to understand how the Canadian Association of Railwaymen can present its evidence before you and your Committee. Are we to be invited, or is it voluntary evidence.

"I note your next Session is to be held the 17th, 18th and 19th of this month, and on behalf of an all Canadian organization I would like to give my evidence as to why independent Unions controlled and operated by the membership should still exist. I have noted, in the evidence that has been supplied by the Canadian Congress of Labour and the Trades and Labour Congress, that they are most insistent that they should have this bill passed in favour of themselves. Being in touch with a vast majority of Labour men in this country, this is the general opinion, that they would not belong to the C.I.O. if it was not for the check off system. They declare they have no freedom.

"The same position exists with affiliated organizations of the A. F. of L., and it is ridiculous to think that men are forced into a Labour organization, paying as high as \$60.00 for initiation fee; and it is ridiculous to think that our sons are fighting for democracy overseas,



"while we allow these conditions to prevail in this country of ours.

"Sir, I would like to suggest to you, and your Committee, that they accept the free Labour principles of the Congress of Labour of Great Britain and Australia, that a man has a right to belong to the organization of his choice, and that an employee, accompanied by a fellow employee has the right, when he has a grievance, to approach his employer.

"Much more could be said on this principle of real co-operation between employee and employer, and I will leave it to you, Sir, to protect some of the big National Unions of Canada.

"May I say in closing, I would be only too willing to present my evidence as to why independent Unions should be protected in this Labour legislation of Ontario. Trusting to hear from you in this matter, I remain,

"Yours sincerely,

"(Sgd) "Chas. Beattie  
President."

---EXHIBIT 184: Letter dated March 15, 1947, from Supertest to the Hon. Mr. Conant, reading as follows:

"March 15, 1947.

"The Honorable G.D. Conant, K.C.,  
Parliament Buildings,  
TORONTO, Ontario.

"Dear Sir:-

"I have read with interest reports which have





"appeared in the press dealing with a proposed bill on Collective Bargaining which the Ontario Legislature is said to be considering, and while I have not made it a policy to write to Government officials with respect to legislation, I should like to point out one aspect of the situation which I believe merits very careful consideration.

"I merely want to say that I am of the opinion that Collective Bargaining, or any Social Legislation which might be contemplated, should be of a Federal nature for the simple reason that the competitive situation of Ontario must be considered.

"The manufacturers in this Province have always been handicapped through competition from the Province of Quebec where wages are lower and in view of the fact that Collective Bargaining and Social Legislation could only lead to higher costs over a period of time, it would seem disastrous in the long run if Ontario increased her costs to create a further mercantile disadvantage as with the Province of Quebec. The net outcome could only result in a boomerang inasmuch as, in establishing new industries, far-sighted people would have little choice other than to commence operations in the more favorable labor market. As a matter of fact, it is not beyond the realm of possibility that some Ontario manufacturing



"concerns would find it advisable to move their establishments to Quebec. Therefore I say that any contemplated Legislation affecting the industrial life of the Province should be carefully considered.

"The intention is merely to point out the danger to this Province of passing a Legislation which would place this Province at a disadvantage with the Province of Quebec in the matter of industry, and to suggest that any Collective Bargaining or Social Legislation which might be deemed advisable should be a project of the Dominion Government equally effective in all the Provinces.

"I should hate to think that this point has been overlooked in your thinking, nevertheless I feel it best to draw the point to your attention.

"Yours very truly,

(Sgd) J.G. Thompson

"CC: The Honorable W.L. McKenzie King."

---EXHIBIT 185: Letter dated March 9, 1943, from N.W. Mitchell to Chairman of Committee, reading as follows:

"76 Adelaide Street West,  
Toronto, Ontario,  
March 9th, 1943.

"Hon. J.H. Clarke,  
Chairman, Select Committee on Collective  
Bargaining,  
Ontario Legislature.

"Dear Sir:

"I have been authorized by the senior



"officers, The Plan of Employee Representation of The Bell Telephone Company of Canada to direct your attention to press reports of March 8th, 1943, quoting remarks made by J.A. Sullivan, Vice President of the Trades and Labour Congress of Canada. He is credited with stating:

"That the problem of Company Unions, such as The Bell Telephone Company Employee Association, could be solved by a supervised but secret, balloting to determine the workers' preference in the matter of Union affiliation'.

"In our presentation to the Select Committee, it was definitely pointed out that at the time the present organization was drafted, a supervised and secret ballot was taken of all employees concerned, resulting in a very large majority in favour of continuing under a Plan of Employee Representation.

"Therefore Mr. Sullivan is concerned about a problem which does not exist and as a responsible leader of labour should be careful not to create a false impression to the public.

"Reference to the conditions of The Plan of Employee Representation, will definitely indicate that all elections are supervised by employee representatives and are secret.

"There appears to be an inconsistency, relative to 'Freedom of Association' indicated



"by some of the remarks by Leaders of Labour Organization. Freedom of association can only mean that an individual or a group of employees should have the right to determine his or their own bargaining agency.

"Thanking you for your attention, I remain,

"Yours truly,

(sgl) "N.W. Mitchell

"N.W. Mitchell,  
Chairman, Western Area  
Employee Committee Bell  
Telephone Plant Employees."

MR. FURLONG: The first to be heard this morning is the Labour Youth Federation. We have a number of young ladies here. Which one of you ladies will present this brief?

LABOUR YOUTH FEDERATION

MISS GRACE WALES, Sworn.

MR. FURLONG: Q. I take it you live in Toronto?

A. Yes, I do.

Q. Are you an officer of the Labour Youth Federation?

A. Yes, I am the Toronto Secretary.

Q. What is the Labour Youth Federation composed of?

A. The Labour Youth Federation is an organization of young people who are concerned with doing everything in their power to further the war effort, and to make a contribution as young people. It is composed of clubs of young people chiefly working in war industry, and is a national





organization with groups across Canada.

MR. OLIVER: Is it a union organization?

A. Most of our members who work in industry are union members.

Q. Is it a union organization?

A. We are an independent organization.

MR. FURLONG: Q. How many members have you?

A. Nationally we have around a thousand members.

Q. How many members in the organization you represent? A. In Toronto there are around 100.

THE CHAIRMAN: When do you cease to be a youth member? A. We have no age limit.

Mr. Chairman and members, I feel that we owe you an apology.

THE CHAIRMAN: We will forget that. We expect that from youth.

WITNESS: We feel it was due to an unfortunate circumstance that our brief was not here. We are sorry too, as we had a representative delegation of young people from 15 of the main war industries in Toronto present with us last night. Today we have only representatives from three of the war industries.

We realize that the Committee has been listening to briefs and holding discussions for a considerable time, and we did not wish to duplicate any of the points that had been made, but rather to draw to your attention the opinions of young people, as we feel that that has a bearing upon the collective bargaining legislation, and we feel that young people also have



something to say about it, as they have a stake in this legislation.

"This submission is presented to you by a delegation of young workers from Toronto war industries, sponsored by the Labour Youth Federation. The point of view expressed is that of a representative assembly of young workers at a Youth Parliament held on March 16th, 1947 from which this delegation was elected. It is endorsed wholeheartedly by the Labour Youth Federation of Canada, a national organization of young people devoted to full assistance of the country's war effort. The majority of its members are in essential industry, and hundreds have enlisted in the armed forces.

"We feel that stress should be laid on the opinions of young people with regard to the proposed legislation because of the role they are playing in the prosecution of Canada's war effort. The youth of the country are called on to bear a heavy share of this responsibility. Of the 703,250 men and women on active service, the vast majority are young people. Canada's army of munition workers, 1,050,000<sup>7</sup> strong, is composed largely of youth, of whom 225,000 are women and young girls, coming into industry for the first time to replace men for service in the armed forces. Canadian youth on the battlefronts and on the production lines are prepared to make great

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<sup>7</sup> Canada at War, Feb. 1943.



"sacrifices and to put forth every effort to ensure a speedy victory.

"The proposed labour bill is of utmost concern to young people, coming at this juncture in the course of the war, when our Canadian armies are on the brink of a decisive military offensive against the German armies in Europe, and when no stone should be left unturned to ensure that the production of weapons of war is steadily increased to meet the demands of the hour.

"Young people need a labour bill which will guarantee compulsory collective bargaining. They need it in order to play their full part in speeding up production without fear of intimidation and discrimination. Too long disunity and confusion have resulted from inharmonious relations between workers and management because of the lack of a clearcut procedure by which workers can take up their just grievances with their employers. There are cases, Mr. Chairman, of members of our delegation who have undergone experience of firing and blacklisting because of their union activity in the shops. Such discrimination will continue until a Collective Bargaining Act is on the Statute Books, enabling workers to join the union of their own choice without fear of discrimination."

THE CHAIRMAN: Do you find fear among your people, intimidation and discrimination at the present





time? A. Yes, Mr. Chairman. I was going to refer to the case of one of the members of our delegation who had gone through this experience. She was very active in union activity in the Acme Screw & Gear, and after being submitted to intimidation for some time, left the plant.

Q. What form did the intimidation take?

A. I would like to refer here to Thelma Bruff.

Q. We will call her later. Go ahead. I am sorry for interrupting.

A. "We are convinced that through the building of strong unions of their own choice, free from company control and domination, workers will be in a position to make their full contribution to the war effort, by co-operation with management on a basis of equality in the interests of production. It is a well known fact that where a strong trade union exists protecting the rights of the workers, there is also labour management co-operation and an appreciable increase in production.

"The proposed legislation under discussion has significance for the future of the youth who are fighting for the maintenance and furtherance of our freedom and democratic rights.

"The boys in the Canadian army who will be returning after victory is won, and the young women who have taken their place in the war industries, look to our country for a future



"of greater security than was their lot in years gone by. We are familiar with the years before the war, when the youth of Canada left schools to face unemployment and starvation wages. This, Mr. Chairman, was a generation of lost youth, ignored and forgotten in the stress of the times. Now, young people are called upon to give their lives to save our freedom and democracy, and have wholeheartedly accepted this responsibility. We realize that tremendous casualties face our Canadian armies in the bloody battles to come; the experiences of the Russian and Chinese armies, have proved that. Surely we cannot expect the youth to face the prospect of returning to the same plight as met them following the last war? Surely the basic democratic rights of union organization and collective bargaining should be granted. We are aghast at the suggestion made by a previous speaker to this Committee that the youth are considered unfit to make up their minds in voting for their union due to inexperience. If the youth of our country are old enough to fight our country's battles, they are old enough to share in its democratic processes. Surely, no one would dream of refusing this to the young people on whose shoulders the survival of our democracy rests.

"Mrs. Franklin D. Roosevelt has said that



"it is the duty of the American worker to protect wages and labor standards so that the man who returns to industry from armed service after the war will find those standards intact'. We believe that a strong organized labour movement will guarantee that the transformation of war industry to peace-time needs will be made with the minimum of friction and dislocation.

"The labour movement in pressing for this bill, has outlined many suggestions for its contents. We are in complete accord with the position taken by the Trades and Labour Congress of Canada and the Canadian Congress of Labour. The emphasis we wish to make as young people, is that such a bill, to grant compulsory collective bargaining, and the outlawing of company-controlled unions, is necessary for the full prosecution of our war effort, and as a basic guarantee of the security of youth in the peace that is to follow."

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THELMA BRUFF, Sworn.

WITNESS: When I was working in the Canadian Acme Screw & Gear, I was there about a year, and I took part in both the strikes. After the second strike when we went back they really discriminated against the people who were leaders in the strike. I mean, it is something you can't just put your finger on. The foreman, whoever is in your shop, can come along and



make you do nasty jobs that he would not otherwise make you do in other times. It made it so tough for me that I had to quit. So I quit, and when I went for a job I couldn't get a job anywhere. I was an experienced machine operator. I could run a lathe, a punch press, high speed drill, any of these machines I could operate. Well, I couldn't get a job in any war plant in Toronto. I found out that they were discriminating against me because of my trade union activities. I went to Mr. Ainsborough of the Department of Labour, and Mr. Ainsborough was the means of making Mr. Peterson stop telling people that I was active in trade union work. I was down to the Department of Labour three or four times. Mr. Ainsborough had to argue with Mr. Peterson.

THE CHAIRMAN: Q. Who was Mr. Peterson?

A. He was President of Canadian Acme Screw & Gear. I know for a fact that these people were trying to stop me from getting a job because of my trade union activities.

Q. How do you know that?

A. Maybe it is not the right thing I should have done - Mr. Ainsborough told me I did the wrong thing; maybe I did, I don't know if I did or not. I got on the phone one morning and phoned Canadian Acme Screw & Gear, and I told them I was representing a factory, and I wanted a reference on Miss Thelma Bruff who had worked at Canadian Acme Screw & Gear. He said, "Sure, she is a good worker but she does





things." "What does she do?" "She takes up the grievances of the girls in her department, on her floor, and she is active in trade union work. Otherwise she is a good worker." It is a well known fact that if one boss says to another, "She is active in trade union work," he won't hire you because naturally he feels you will turn around and start organizing his plant, and that is against his interest.

THE CHAIRMAN: Anyone else, Miss Wales?

MISS WALES: No.

THE CHAIRMAN: Well, the brief is very nice and very well presented.

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SUBMISSION OF BERT W. LANG

BERT W. LANG, Sworn.

WITNESS: Mr. Chairman, I only have a limited number of copies of my brief.

THE CHAIRMAN: We will spread them around as best we can.

MR. FURLONG: Q. Mr. Lang, whom do you represent? A. I am presenting this brief as an individual and as a management consultant.

Q. You are in business in the City of Toronto, are you, as a management consultant? A. Yes.

MR. NEWLANDS: This is not a brief; it is a book.

MR. FURLONG: Q. What particular work do you do as a management consultant? A. As a management consultant I do consultation chiefly, not



detailed investigation.

Q. With regard to what matters?

A. With regard to organization of industry, planning of production, personnel problems, employee relations problems.

Q. How long have you been in that business?

A. Approximately one year, and not my full time, as I have other responsibilities which take up a great deal of my time.

Q. Go ahead, Mr. Lang.

A. Mr. Chairman, ladies and gentlemen; I have been engaged in industrial work for over twenty-five years, during eighteen of which I have been in responsible executive positions. I have always followed with a great deal of interest, and have been in favour of any economically sound improvement in the workers' wages and benefits which were consistent with efficient operations and sound management principles.

The question before the Committee is a most important one, which has far reaching implications, as it affects workers, industry, government and all citizens.

Due to the limited time allocated to the presentation of this brief it will be necessary to omit many sections in whole or part. However, it is requested that the complete brief be filed and made part of the record.



"During the period since the first world war the character of Canadian business has changed in many ways in order to operate under new conditions and to meet new opportunities. As a result, industry has been able to lift the standard of living and wage levels to new highs, so that not only owners and managers, but all workers are direct beneficiaries.

"Since 1939, under war conditions, some of these changes affecting business and the workers have come at the dictation of government and of unions, and business fears that many of these enforced changes are not consistent with sound management and may have caused irreparable harm.

"In general terms, the things that workers want are not different from those to which employers, professional men and everybody else aspire. Opportunity, security and an improved standard of living are universal ambitions.

"The search for security by every class of the population is to be expected in a country such as Canada, but we must guard against one class endeavoring to secure more than its fair share to the detriment of other classes."

THE CHAIRMAN: Even at the bottom of the depression, was there not only about ten percent of the people that were not economically secure?

A. At the bottom of the depression?

Q: Or was it higher?

A. I have not the





figures but I would say it was higher.

Q. Much higher?                      A. I prefer not to quote because I have not got the figures.

"Back of one man's security there must always be another man's willingness to risk his capital.

"The men who launch, finance and manage business enterprises stimulate the flow of goods and services because they have to in order to protect the investment and give employment to themselves and their employees. In the last analysis industry is merely the channel through which materials flow and are processed to the form in which they can be used by the consumer or the means of rendering service to the public. Without such men the workers in Canada would not be enjoying the highest wages and the most advanced living standards, excepting only the United States, in the world today.

"Unfortunately the man who has the capital to invest is being discouraged from launching new enterprises: by heavy taxation first on the income of companies and again in the hands of the individual, and by Union leaders who apparently aim not only to force increases in wages but also to interfere with the sound and efficient management of business enterprises.

"More and more business and industrial problems, which have traditionally been regarded as purely management's responsibility, are coming to



"be the subject matter for employer-employee discussions. Earnest and progressive managements are ready and anxious at all times to co-operate with their employees to improve the employee's benefits from industry as far as possible, consistent with sound economic principles.

"Most employer-employee relations programmes are designed to enlist goodwill and the co-operation of employees in the operation of the business, to improve the employee's benefits from the enterprise and to provide for his security. During the early 1930's management's ability to increase wages or otherwise improve the worker's benefits was influenced by existing economic conditions, as will be the case in post-war years. Such programmes develop a sound understanding and mutual confidence and make for efficient operation.

"Management finds it difficult to concentrate on the urgent problem of war production due to the many demands which are being made upon industry by labor and by governments in the field of labor relations. As government rulings, policies and indirect support of unions push employers into the position where they have less and less to say regarding their employee relations, not only does the question: 'Will it



"help to win the war?" draw unsatisfactory answers, but another important question must also be asked: 'Where will these concessions to labor leave us after the war?'

"Directly or indirectly, the activities of the unions now affect everybody in Canada. The public in general is paying the bill for this war, and, therefore, is paying any increases in wages secured by the unions. The government purchases the larger portion of goods manufactured during the war and as a great volume of these purchases are made on a cost-plus basis the employer often has a direct incentive to have wages increased, for the more wages he pays out the greater profit he will receive on the cost-plus basis.

"The prosperity of all Canadians depends on their individual initiative, determination and willingness to work. While a gainful occupation for all is the primary objective of all private enterprise, there is a selective process qualifying men for their jobs, rewarding industries and providing an incentive for the inefficient to improve their work. The first principle of sound management is responsibility and control, and the second is reward according to merit. Unionism as we have seen it develop in the U.S.A., and as it is now developing in Canada, interferes with the sound management of industry by divorcing control from responsibility.



"The organized campaign now being waged for collective bargaining legislation, is, no doubt, directly connected with the manoeuvres of political parties for advantage in the elections which it is anticipated will be contested in the near future in the Province of Ontario and probably also in the Dominion. The political parties are being prompted by union representatives to pass what might be termed 'union legislation', and the political parties seem to be competing to see which one can promise unions the most. In other words, the agitation for the collective bargaining legislation is the result of power politics on the part of unions, with total disregard of the rights of other classes.

"As a result, employers' problems in employee relations have become problems in government relations as well. Government officials and administrators have striven not only to increase the unions' bargaining strength, no doubt due to pressure from the unions, but in the background of many collective labor negotiations a government representative has ruled either as a conciliation officer or as chairman of a War Labor Board. These government representatives appear to favor the unions unduly. The War Labor Boards were set up to prevent industrial strife during the war and to assist in fighting inflation on the labor front. Rewarding groups of union workers,





"who strike or threaten strike during wartime, with wage increases is not consistent with either of these objectives. These war labor boards, with their apparent pro-union bias, regardless of what their purposes are claimed to be, may unconsciously tend to steer their decisions by the criterion of whether they will promote unionism.

"If the proposed compulsory collective bargaining legislation is passed, the employer would eventually lose his right to deal directly with his workers in presenting his viewpoint on issues vital in employer-employee relationships or in discussing grievances or other problems of mutual interest. This right would become a union monopoly subject to abuse by any politically motivated union leaders."

MR. OLIVER: What do you mean by that?

A. I will cover that a little later. If not, I will answer your question later.

THE CHAIRMAN: Did you hear Mr. Cook give his evidence here yesterday, representing some 20 clothing establishments, with - I don't know how many thousand workers?

A. Unfortunately, I did not. I know Mr. Cook very well.

THE CHAIRMAN: I was sorry the press did not give it verbatim publicity.

MR. FURLONG: You might ask him if he thought Mr. Cook was a truthful man.



WITNESS: I might say, in speaking of unions, while it is necessary, as I think I will show you later, to speak of them collectively in this case, all unions cannot be regarded in the same light.

THE CHAIRMAN: What Mr. Cook said was that they had a most depressed industry, with sweatshops and everything else. Finally they unionized and the manufacturers and employers objected to it, fought them, but ultimately they got together and did not only have a union in one corporation but extended all over. He said they had their little differences. He did not put wings on the labour side or he did not put wings on the manufacturers' side. He said there were a few recalcitrant old time fellows, a little more conservative than the others among the manufacturers, who bucked and fought this new idea of labour and management sitting down together, but he said they finally came in line, and since then they are giving the public a better article at a lower price, comparatively speaking, than they ever did before, and they are going along without any strife or turmoil at all. They have their little differences, but they sit down and iron them out. They found it was a good deal better for the employees and a good deal better for the manufacturers, but he considers that good leadership for the unions and good leadership for the manufacturers was a prerequisite. That was his story.

WITNESS: I know Mr. Cook quite well. I have



discussed these problems a good deal with him. We visit backwards and forwards. I might say unions have done a good deal of good under sound leadership.

Q. If you have a rotten coach for a hockey team, you have a pretty rotten hockey team.

A. It depends on what motive is behind any union approach.

Q. We can agree on that. A. Where conditions are sub-normal the unions have done a lot of good work. However, it is my thought that unions today concentrate on large organizations, usually organizations which are paying in most cases well above the average wages. The reason for that must be that it is a greater opportunity to them to secure union dues, and also the industry, they may feel, can stand up to extra wages. I am not against unions as a whole by any means.

"Is it any wonder that business is afraid of the unions' growing influence in government, as unions, if backed by the legislation which they recommend and urge, would have so much power that they could dictate their own terms in collective bargaining.

"We are alarmed at the high rate of absenteeism in industry today. What effect have the activities of union organizers and the pro-union government attitude on this condition? Discipline in time of war is just as necessary and essential among all Canadian citizens as it is in the





"fighting services. As the management and control of employees is gradually being taken out of management's hands, control disappears and absenteeism increases.

"In order to secure members and to maintain membership, the unions must keep the workers more or less dissatisfied with their employer by promising to secure for the workers added remuneration or other benefits. Therefore, there is not the close cooperation between management and the workers which is so necessary if an organization is going to operate smoothly and efficiently."

MR. HAGEY: Have you any evidence to back that statement up? We have heard evidence to the contrary.

A. I will go along a little further to answer that.

"Unions, generally speaking, have not been in favour of incentive plans or, in other words, pay in proportion to the volume of work performed. It is reported that last year General Motors in the U.S.A. tried to introduce incentive pay but were turned down by the United Automobile Workers Union. Incentive pay is not only fair to the workman, as it allows him to earn in line with his special ability, but is a means of increasing efficiency and volume of output, which is most important during these critical times.

"Under these conditions it is quite evident that one of the serious problems of management



"today is to maintain efficiency and production as confused or dissatisfied workers are not efficient. Efficient operation and maximum production, in most industries, can be obtained only where the worker is encouraged to produce and is entitled to receive pay according to his ability through the operation of incentive or contract plans.

"Canadian workers are now enjoying the highest wages and the most favorable working conditions in the history of Canada. When the increase in the weekly income of each individual, and particularly of the whole family, is considered, present demands for higher wages are economically unsound.

"Average earnings for all industrial workers in Canada during 1939 amounted to \$20.13 per week as compared to the average for November 1942 of \$29.79, which shows an increase of almost 50% above 1939."

MR. FURLONG: The Government takes most of that.

MR. NEWLANDS: A man making \$29 a week would only get around \$22.

WITNESS: I would prefer to deal with that later.

"The publication of weekly earnings for each month and by industries, cities and provinces was commenced with March 1941 and therefore the following detailed comparison of current earnings per week can only be made with that month.



			% Nov. March, November March 1942 over 1941 1942 1941 % Increase in Employment based on Nov. /43 over 1939 average	
"All Canada	\$26.08	\$29.79	14%	54%
Ontario	27.17	31.12	15%	58
Quebec	24.54	28.10	15%	54
<u>Representative Cities</u>				
Toronto	26.62	30.89	16%	70
Hamilton	27.68	32.18	16%	82
Windsor	36.09	40.61	13%	150
Montreal	24.83	29.49	19%	60
Vancouver	21.29	32.52	24%	115
<u>Representative Industries</u>				
Manufacturing	26.30	30.65	17%	92
Mining	31.68	35.48	12%	6
Transportation	32.42	34.54	7%	23
Construction & Maintenance	24.38	28.52	17%	17
Trade	22.32	24.50	10%	12

"In cases where the Cost-of-Living Bonus was paid in 1941 it would account for an increase between March, 1941, and November, 1942, of \$3.00 per week, equal to about a 12% increase in pay over March, 1941, based on the average wages for all groups.

"This Cost-of-Living Bonus could be regarded as class legislation as industrial workers benefited to the greatest extent. No similar bonus was authorized to aid farmers, shopkeepers, owners of leased properties, individuals who own and operate their own business and bondholders and stockholders representing the owners of large enterprises.

"If, during normal times, wages are increased to the point where the product produced must sell



"at a price higher than the marginal consumer can pay, then volume of sales will decline and unemployment result, unless wages and selling prices can be reduced. During the war, while demand exceeds supply, the customers are prepared to bid prices up, if allowed to do so, in order to secure their requirements. However, this is not such an important factor at this time when the government is the purchaser of the larger volume of production and a large proportion of such purchases are on a cost-plus basis.

"Where the selling price is fixed, increased costs may force a producer to discontinue production of lines which will not show an operating profit. In the mining industry, which the above comparison shows to be paying the highest average weekly earnings, increases in costs are of vital importance as even a small increase may cause mines operating on low grade ore to discontinue production and force all mines to leave unmined large volumes of what was marginal ore which passes to the class of non-profitable ore. The result of such increases in cost would be lower production tonnage with resultant drop in number of men employed.

"The term 'Proposed Legislation' (or any similar term) as used in this brief is defined as any new legislation dealing with collective bargaining which may be considered under present





"conditions.

"Post War Period

"What will be the effect of the proposed legislation after the war? The relatively high wages now paid in Canada have attracted a large number from the farms and outlying communities into industry. The figures shown in the last column of the previous sheet show the percentages by which employment in industry at the present is above the average for 1939.

"The following are representative figures:  
Ontario, 58%; Toronto, 70%; Windsor, 150%;  
Hamilton 82%.

"As it will be impossible to maintain this high rate of employment after the termination of the war, what provision can be made to have these people who are new to industry return to their farms and other pre-war occupations?

"It should also be kept in mind that relatively high wages and restrictive labour laws in Ontario may be reflected after the war by the loss of business to other provinces where wages and laws are more advantageous.

"We must anticipate much lower wage levels and a reduction in our high living standards after the war, and particularly so if the principles as set out in the 'Atlantic Charter' are implemented.

"The 'Atlantic Charter' calls for freer world



"trade as set out in points 4 and 5 shown below:

4. They will endeavour, with due respect for their existing obligations, to further the enjoyment of all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.

5. They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic adjustment and social security.

"Therefore, after termination of the war, Canadian industries not only will be forced to meet competition from foreign countries in the domestic market, but also will have to compete in the export market with many low cost countries which were keen competitors before the war."

MR. FURLONG: This Committee is not dealing with wages. It is dealing with collective bargaining, which pertains to the employees choosing a committee to sit around a table and talk to their employer. That has nothing to do with wages, or high cost of living; it is a different problem altogether.

WITNESS: I contend that wages is most closely connected with the problem we are considering.

MR. FURLONG: A collective bargaining act does not force anybody to pay any particular wage; it is a



question of negotiation, whether one man negotiates an agreement with his employer, or whether a committee on his behalf does it.

WITNESS: I think I can answer your question very shortly here in my notes.

"High tariff barriers have been the most important factor which has made possible the payment of wages and the establishing of living standards in Canada and the United States so far above the rest of the world. With the reduction of these tariff walls, to which Canada is committed, we must meet the competition of other countries, not only in the export field, but also in Canada.

"Export Trade

"The following is a comparison of average weekly earnings based on the latest figures available (International Labour Review, February 1943) and current rates of exchange for all countries excepting Japan to Italy inclusive, in which case exchange rates of January 1939 were used.

<u>"Current Exchange Rates</u>	<u>Average Earnings per week</u>	<u>Exchange Rates January 1939</u>	<u>Average Earnings per week</u>
Canada	29.79	Japan	3.30
Great Britain	17.38	Germany	11.25
New Zealand			
Men	19.86	Netherlands	12.17
Women	8.84	Poland	5.61
Australia - Men	21.51	France	13.30
Women	11.47		





"Russia	10.47	Italy	5.37
Switzerland			
Men - Skilled	20.75		
Men - Unskil.	16.72		
Sweden	18.07		
Uruguay	6.21		
Mexico	6.53		
Argentina	8.36		

"The seriousness of this competition can only be pictured when we realize that the income derived from the export of goods and services represented an average of 31% of the total National income of Canada in the years 1926-1937 inclusive. This percentage is taken from the report of the Standing Committee on Banking and Commerce of June 1939 submitted to the House of Commons by Graham Towers, Governor of The Bank of Canada.

"The following quotation from the address of Mr. C.H. Carlisle, President of the Dominion Bank, at the Annual Meeting in December 1942 is most important in this connection.

"'LABOR - PRODUCTION AND WAGES

"'Inflation of industrial wages is creating a dangerous situation for labor and others, and must necessarily culminate in a crash as devastating as or greater than that caused by the stock speculation of 1929. At the outbreak of the war wages were at an all-time high, and have increased since



"then, as of September last, forty-six percent.

During the present war strikes have been too numerous and for less cause, and production unnecessarily retarded. Owing to the high wages paid and shorter hours worked, labor has been drawn from other sources - especially from the farm to the factory - thereby unbalancing our production as a whole. A high percentage of industrial labor is employed on the production of essential war materials paid for by governments, and therefore, has little relation to normal peace-time conditions.

"Low and Economic Costs Essential :

"Following the cessation of the war, production will be governed by the ability of the consumer to purchase, and that ability in turn will be measured by the then income. We can only sell our products in foreign markets when we can offer them on a basis competitive in quality, in price and in service, Therefore, we must keep in mind that low and economic costs will be a determining factor in our volume of business.'

"The Governments of Canada and Ontario must somehow make Canadians aware that we are engaged in a most serious war, and that all classes should endeavour to make every sacrifice necessary which will contribute to the winning of the war in the shortest possible time. The policies and



"decisions of the governments and their representatives on the many special committees, boards and organizations created by the governments, are apparently all too often determined with a view to the welfare of the party in power, no doubt with the same controlling factors influencing their actions as in pre-war days, such as party patronage, the party campaign fund and competition for public favour and the public vote:

"The result of competition between parties is indicated by the adoption by the party in power of policies, suggested by other parties, no doubt with the thought that such action may help to maintain the party in power. The reaction of the Federal Government to the policies announced by the Progressive-Conservative party following the 1942 Convention is an example of this trend. The competition between the parties to gain the favour of the unions is an outstanding example and has resulted in the adoption of pro-union legislation and the reflection of pro-union bias in the majority of decisions affecting the unions. The attitude of the government in handling the affairs of the country, and its appeasement policy, usually apparent in its actions and decisions which may affect the future of the party, have not impressed Canadians with the seriousness of the present war situation, but rather have encouraged individuals and groups



"to endeavour to secure concessions and legislation favourable to themselves.

"If the political parties would follow the example set by Great Britain and agree to outlaw party competition and unite in sharing the responsibilities and determination of policies and decisions of the government for the duration, the greatest contribution possible would have been made to the winning of the war, and demands for concessions such as we are considering would not take up time which could be applied to better advantage in our war effort.

"If the parties were sincere in such an effort, they would waive the right to hold any further elections until after the war. If such co-operation of the parties could be secured and guided by sincere government leaders, policies could be adopted and decisions made based entirely on 'how will it help to win the war', and 'how can the security and welfare of Canadian citizens best be served during and following the war'. Such governmental action is imperative in order to secure the whole-hearted confidence and co-operation of all Canadians so necessary at this time so that the maximum effort may be concentrated on winning this war which is far from being won at this time.

"In referring to unforeseen expenses of the government as set forth in a statement tabled in





"the House of Commons, the Globe and Mail of January 20th, 1943, stated in part as follows:-

'A payment of \$2,500. was made to the American Federation of Labor Convention Committee towards defraying expenses of the convention in Toronto.'

"Is it a usual practice for the government to make such donations to other organizations holding conventions in Canada?

"A report in the October Labor Gazette covering the annual convention of the Canadian Congress of Labor held in Ottawa in September, 1942, in referring to the address by Hon. Peter Heenan, Minister of Labor for Ontario, stated in part as follows:-

'It was the Minister's opinion that the chief cause of disputes concerns collective bargaining. He thought that employers would be glad to deal collectively with their employees, thus securing their assistance and co-operation. The Minister made reference to a recent meeting of members of the Ontario cabinet and representatives of the Canadian Congress of Labor. He stated that "following the representation of the Congress officers, the Cabinet agreed to bring down legislation to force employers to bargain collectively with their employees"'.  
'

"A report in the same issue of the Labor



"Gazette, covering the Convention of the American Federation of Labor in Toronto in October, 1942, stated in part as follows:-

'In a short address before the delegates of the A. F. of L. Convention, the Minister of Labor for Ontario, Hon. Peter Heenan, invited members of the Federation to visit his office and examine the draft bill on "Collective Bargaining" which he had prepared and would introduce at the next session of the legislature.'

"The interest of Hon. Peter Heenan in Unions and the labor movement dates back many years. He was Chairman of the Brotherhood of Locomotive Engineers Union for eight years when he was a locomotive engineer. First elected to Ontario Legislature in 1919, he resigned to enter Federal politics and was elected as a Liberal-Labour in 1926 and then appointed as Minister of Labour in the King Cabinet.. He resigned his seat in 1934 to accept the portfolio of Lands & Forests in the Ontario Government and has held his position of Minister of Labour for about two years."

(Page 1566 follows)



"The National Labour Forum broadcast is an outstanding example of how the government has assisted the unions indirectly. These broadcasts of one-half hour each Wednesday evening across Canada's C.B.C. network are conducted by union men. They represent a half-hour of union advertising and propaganda which must be most valuable to the unions in furthering their membership campaign and in preparing the public and government members for the consideration of pro-union legislation.

"The announcement at the end of the broadcast states in part as follows: 'National Labour Forum is presented each week at this time by Canadian Broadcasting Corporation in cooperation with the Trades and Labour Congress of Canada and the Canadian Congress of Labour.'

"The broadcast of March 3rd, 1943, was a discussion on 'Company Unions' conducted by the following: E.A. Corbett, Director of the Canadian Association for Adult Education; William Dunn, of the Carpenters' Union, Secretary-Treasurer of the Toronto District Trade and Labour Council, and a member of the C.C.F.'s Trade Union Committee; Fred Dowling, International Representative of the Packinghouse Workers' Organizing Committee and Chairman of the C.C.F.'s Trade Union Committee; Larry Sefton, International Representative of the United Steelworkers; and Neil MacDonald, Grand Lodge Representative for the Ontario District of the International Association of Machinists.

"A copy of the script used for the March 3rd broad-





cast on 'Company Unions' will be found under page thirty-two of this brief.

"The broadcast of February 17th, 1943, on 'Collective Bargaining' was conducted by two union representatives, Percy R. Bengough, Acting President of the Trades and Labour Congress of Canada, and Norman S. Dowd, Executive Secretary of the Canadian Congress of Labour."

MR. FURLONG: What has that to do with collective bargaining? Anybody in this country has the right to broadcast and make a speech. This is a free country.

A. I think I can answer that question later.

"On February 24th, 1943, 'Union Shop', a continuation of the previous week's discussion on Collective Bargaining, was discussed by four union representatives, Murray Cotterill, International Representative of the United Steelworkers and Secretary Treasurer of the Toronto Labour Council; Paul Siren, International Representative of the United Automobile Workers; Dewar Ferguson, Secretary Treasurer of the Canadian Seamen's Union; and Alec Reith, Grand Lodge Representative of the International Association of Machinists.

"On March 10th, 1943, 'Company Unions' were again reviewed by four guest speakers, Mrs. May Love, active in the urban cooperative movement for many years; Miss Mary McNab, Treasurer of Local 79 of the Toronto Municipal Employees' Union; Mr. J.W. Buckley, Secretary of the Toronto District Labour Council; and Mr. Ken Philp, active participant in both movements.

"In reply to a recent enquiry, the Canadian Broad-



casting Corporation stated in part as follows:

"These weekly broadcasts are sponsored by National Labour Forum - an independent organization on which the C.B.C., the Trades and Labour Congress of Canada, and the Canadian Congress of Labour are equally represented.

"The time for these broadcasts is provided free of charge by the Canadian Broadcasting Corporation as part of its services to the public."

"Therefore the taxpayers of Canada pay the cost of these weekly National Forum Broadcasts which must prove to be most valuable to the unions in furthering their membership campaign from coast to coast.

"The unions, and particularly the C.I.O. group, are taking advantage of the unusual conditions which exist under the present national emergency, as they are aware that the production of most plants is urgently required for the prosecution of the war. The unions are aware that every decision must be measured in terms of how much it will contribute towards winning the war and they are also aware that by going on strike or threatening strikes, they may be able to force concessions which they would not otherwise receive, due to the fact that production is urgently required by the fighting services.

"The actions of our industrial workers, under the leadership of the unions, indicate that our workers and their leaders must believe that we are engaged in a sham battle and not in a death struggle.

"The Canadians who have joined the fighting services



are offering to sacrifice everything, including making the supreme sacrifice, for the protection of those who stay at home and for the maintenance of our institutions, while the unions at home are taking advantage of the most critical times which Canada has ever experienced in order to further strengthen their position at the cost of other classes of Canadians. The average pay received by the men and women in the fighting services is far below the average wages received by industrial workers. The fighting services are not organized to bring pressure on the Government to increase their pay and, in any case, would not do so as their main objective is the winning of the war. The majority of industrial workers receive a substantial cost-of-living bonus, in most cases amounting to \$4.25 per week, in addition to their regular rate of pay.

"Representations were made to Ottawa some time ago as to why those in the fighting services were not granted the cost-of-living bonus. As a result of the pressure brought on Ottawa, on behalf of the fighting services, a cost-of-living bonus was authorized of 60¢ per week to married men with children, 32¢ per week to a married man without children and no bonus to single men, although \$4.25 per week is now paid to a large number of industrial workers. The amount of the cost-of-living bonus authorized in January 1943 for the fighting services when compared with the increases in wages granted to industrial workers, the majority of whom already receive a substantial cost-of-





living bonus, indicates that the pro-union bias of the Federal government may be accounted for by the pressure brought to bear upon it by union organizations and threats of strikes, as well as actual strikes.

"In view of the recent strikes in war industries, usually called by unions affiliated with the C.I.O., it is of interest to refer to appeals made by members of the cabinet regarding strikes.

"The attached is a copy of a report on a broadcast made by the Hon. C. D. Howe, Minister of Munitions and Supply, as printed in the Toronto Daily Star on September 12th, 1941. This appeal is so applicable to present day conditions that it warrants our consideration at this time. (See report immediately following this sheet)

"In the report of the convention of the Congress of Labor, printed in the Labor Gazette, reference was made in part to the address by the Minister of Labor, Hon. Humphrey Mitchell, as follows:-

"In referring to the numerous small strikes which have occurred in Canada since the beginning of the war, Mr. Mitchell said "There have been too many small strikes in our country, stoppages of work for a few days. There is no justification for letting down the men who fight for us or who brave the hazard of the merchant marine. I do not care what arguments are advanced. There is no complaint big enough to warrant ceasing one day in making the munitions required by those who are fighting for us. We cannot have industrial strife





or inter-union strife and make the contribution the Canadian people expect of us at this critical time."

"The recent steel strike, which caused the loss of a substantial volume of equipment urgently required by the fighting services and resulted in the government jeopardizing its wage and price control policies, was called by C. H. Millard, National Director of the United Steel Workers of America (C.I.O.), Past President of the Ontario C.C.F., a present member of the C.C.F. Committee, nominated C.C.F. Candidate in West York Riding and Director of the Canadian Congress of Labour.

"The strike was called following the report by the Barlow Commission to the Government on the wage situation in the Steel Industry.

"The following quotation is from an article in the Financial Post of January 23rd, 1943, referring to the Steel Strike:

"One important political implication of the strike is the extent to which the C.C.F. party is tied to the matter. At every turn the strikers have been advised or counselled by men who are closely associated with the C.C.F. Jolliffe, Millard, Forsey and King Gordon are all tied closely to the strike and to the party. What farm and other C.C.F. elements in C.C.F. support will do and say when the implications of the strike blossom fully is a matter which may have far-reaching implications on Parliament Hill.'

Mr. E. B. Jolliffe, leader of the Ontario C.C.F.,



acted as counsel for the United Steel Workers of America, of which Mr. C. H. Millard is National Director. Mr. Millard's connections with the C.C.F. are referred to above. Eugene Forsey is head of Research of the Canadian Congress of Labour, and the above quotation indicates that he is also in the C.C.F. party.

"The following is a copy of a report printed in the Toronto Daily Star on September 12, 1941.

'CANADA WARNED BY HOWE OF HARM STRIKES  
CAN DO

---

Likens "Illegal" Disputes Now  
to Soldiers Deserting in Battle

---

CAN'T AFFORD LOSS

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'Hon. C. D. Howe, minister of munitions and supply, last night called on Canadian workers to stop strikes. In a reconsecration week address broadcast over a national network, he strongly condemned those who, he stated, are taking advantage of the urgency of wartime production to force workers to join a union to which they do not wish to belong.

"The workers in our factories, with few exceptions, are working well and loyally to produce munitions of war," Mr. Howe said. "The rate of output per machine is astonishing, when we consider that the majority of our munitions workers have had but short experience in production work. Canada has established an enviable reputation for high quality and sound workmanship. The only threat to our creditable production record is loss of output through industrial disputes.



"There is little ground for an industrial dispute today. The government has established a basic wage for war industries - the highest wage rate of the last 15 years - and has added to it a cost-of-living bonus. Government conciliation machinery can be set in motion quickly to adjust differences as to working conditions, without interruption of employment. As a matter of fact, neither wages nor working conditions play an important part in present day labour disputes.

'Recognition Sole Motive

"We are fighting this war in order that the true democratic principles, freedom of action and freedom of speech, may be maintained, yet we have certain labor leaders insisting forcefully that the workers shall not be permitted freedom of action, that employers shall not be free to discuss with individual employees or committees of employees any matters pertaining to their wages, hours or working conditions; that all such matters must be discussed only with a committee of the union, that the employees, even though unwilling to join the union, must pay dues thereto.

"Canada cannot afford loss of production resulting from this type of dispute.. An aroused public opinion can and should offer a formidable check to this type of activity. An illegal strike, in times such as these, is almost equivalent of desertion by a man in uniform in the face of the enemy.

"We cannot falter in the great task before us.





The defence of freedom must take precedence over every private aim and over every private interest. Forces of insane violence have been let loose by Hitler upon this earth. We must all do our <sup>full</sup> part in conquering them.

#### 'VAST EXPANSION MADE

"The department of munitions and supply has been entrusted with the task of mobilizing Canada's full productive capacity for the manufacture of munitions and war supplies. As minister of that department, I feel that I can now report practical fulfilment of that task. Canada has taken responsibility for more war production than our factories can presently absorb. Canadian industry has cooperated fully, by expanding production as required, and by undertaking new types of production.

"Notwithstanding the strong views that I have felt it necessary to express regarding strikes in war industries, I am certain that the great majority of men and women engaged in industry all over this country are patriotic to the core. I am sure that they, like our sailors and soldiers and airmen, will stop at nothing to rid this country, and free men and women everywhere, of the peril of Nazi domination. When the history of this war is written, I feel that Canadian industry and Canadian workmen, having had a major part in the overthrow of Hitler and his gang, can share the satisfaction of looking back on a great task well done." - - - - -



"King Gordon is a defeated C.C.F. candidate who, according to the Financial Post, left a Montreal college to go with a U.S. Publishing House. King Gordon was the union's nominee on the Barlow Commission appointed to report on the wage situation in the steel industry and he wrote the minority report which was used by the union as an excuse for calling the strike which followed."

MR. NEWLANDS: Q. I do not think this is relevant to our enquiry, whether they were defeated candidates or successful candidates? A. I think if you will bear with me I can show you the connection, sir.

"The reported settlement of the steel strike, which was negotiated by Mr. C.H. Millard with our Prime Minister, indicated that only a small gain was made by the union in the establishment of a minimum rate of 55¢ per hour. However, it is reported on what appears to be good authority that the settlement of the strike not only involved the establishment of the minimum hourly rate, but also an increase in the rates of practically all steel workers in the plant involved.

"At a recent conference of representatives of the Canadian Congress of Labour, with Prime Minister MacKenzie King, Labour Minister Mitchell, and other cabinet ministers, at which requests were made for further concessions to the unions, Prime Minister MacKenzie King is reported to have stated as follows in reference to the recent strike in the steel mills:

"The strike, after all, was an illegal strike and,



notwithstanding that and knowing I should be taken to task, nevertheless I took the larger view that circumstances had to be considered from every side and in view of the national emergency we should not stand on any ceremony."

'In view of the arrangement made between the C.I.O. union and the Prime Minister of Canada prior to the steel strikers returning to work, the following extract from the March, 1943, issue of The Canadian Forum (C.C.F. Publication) in an article headed "The Steel Strike is settled ... Temporarily!" by Ross MacEwan, is of interest:

"Politically the steelworkers have won a resounding Victory. They have altered the whole wage control structure fundamentally. They have shattered the whole idea that wages are 'frozen' unless it can be proved that higher wages exist for the same type of work in the same type of industry within the same province. They have virtually liquidated Mr. Humphrey Mitchell as a power in Canadian government. Economically, however, they have not yet secured the sort of pay which they claim is the minimum under which effective steel production can be maintained."

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"While the Steel workers were out on strike, their action was supported in statements made public by M.J.Coldwell, M.P., Leader of the C.C.F. party at Ottawa, J. W. Noseworthy, C.C.F. Representative for South York, Clarence Gillis, M.P. (C.C.F. Cape Breton





South) and a Director of the Ontario C.C.F. Trade Union Committee, and other C.C.F. officials.

"It is apparent that the C.I.O. unions and the C.C.F. officials cooperated in the calling of the strike as a means of breaking the wage ceilings and controls previously maintained by the government.

"One result of the Steel Strike is shown by a dispatch from Stockholm, Sweden, published on January 19th in the New York Times which reads as follows:

'German propagandists have seized on the steel strike in Canada to try to sow doubts in the minds of the Russian population. A German short wave announcer declared in the Russian language: "The Russian workers will doubtless appreciate this generous gesture of wartime cooperation. While the Russians strike back hopelessly but bravely by fighting, their Canadian brothers merely strike." The Germans attempted to create the impression that the labor dispute in Canada was a protest against the continuation of the war. They sought to worry the Red Army by saying that the steel strike had halted the production of tanks for Russia.

'The broadcast was also put out in Swedish to weaken pro-Allied sentiment here.'

"We might well question why the government permits strikes during war time, particularly in war industries. Will the concessions and encouragement granted to unions as a result of strikes and demands, help win the war? How will the government's appeasement policy toward





unions affect Canada after the war?

"As under war conditions every decision must be based on how much it will contribute towards the winning of the war, the injection by union representatives, of considerations unrelated to that purpose is regarded as a threat to our war effort, and to the future of not only Canadian business, but all Canadian citizens. We may well question why there is an organized attempt to force the government to enact such labor legislation at this critical period when practically all economic phases of life are supposed to be under strict war controls. What organizations are behind this demand and how did the demand originate?

"A review of the recent activities of the Unions and the C.C.F. Party not only indicates the source of the demand, but also shows what organizations are the chief originators and sponsors of the proposed legislation.

"The following extracts from reports are taken from the papers as shown in the marginal headings.

"These reports show the definite hookup between the Unions and the C.C.F. Party and indicates how these two groups are working together to further their power and influence in Canada, and particularly in Ontario.

"Globe & Mail - April 12/41:

'C.H.Millard, President of the Ontario C.C.F., in addressing the C.C.F.Provincial Convention as reported in the Globe & Mail of April 12th, 1941,



stated in part as follows: "I do not believe that trade unions can succeed without expression through a political party", said Mr. Millard, who is also National Director of the Steel Workers of Canada, C.I.O., and a member of the National Labour Supply Board. "In other countries where they build strong trade union groups and fail to build a strong political party, the trade unions are not now in existence.".'

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"Globe & Mail - April 4/42

'E.B.Jolliffe was elected Provincial Leader of the C.C.F. over M.R.Cotterill of Toronto at its Annual Ontario C.C.F. Convention. The labour platform included a resolution urging labor legislation to cover the following:

- '(a) Compulsory recognition of and collective bargaining with the trade union chosen by the employees in any plant or industry, with severe penalties for employers contravening such law.
  - '(b) Outlawry of company unions.
  - '(c) Machinery for the enforcement of minimum wage and other labour-protecting legislation.'
- 

"Toronto Daily Star - April 6/42

'At the C.C.F. Annual Convention Controller Sam Lawrence of Hamilton was re-elected President of the Provincial C.C.F., Prof. G.M.H.Grube, First Vice-President, and Andrew Brewin Second Vice-President. Members of the Provincial Council named were:



Wm.Dennison, Toronto	M.T.Maguire, Kirkland Lake
Ald.Garfield Anderson, Fort William	Miss K.Morris, Toronto
E.B.Bennett, Niagara Falls	J.W.Noseworthy, South York
Miss M.Sedgewick, Toronto	Mrs.C.Riley, Toronto
W.C.Grant, Peterborough	J.W.McVey, Sudbury
E.R.Evans, Toronto	John Mitchell, Hamilton
E.O. Hall, London	R.E.K.Pemberton, London
B.E.Leavens, Toronto	Allan Schroeder, St.Catharines.
David Lewis, Ottawa	John Walter, Kitchener.
F.C.Madill, Toronto	

Representatives elected to the National Council  
were C.H.Millard and Professor Grube.'

"Globe & Mail - June 20/42

'At a West York C.C.F. Convention C.H.Millard,  
Canadian Director of the United Steel Workers was chosen  
the party candidate in West York Riding by acclamation.  
Mr. Millard, in his speech of acceptance of  
the nomination, in speaking of Premier Hepburn, stated  
as follows: "Never in the political history of Ontario  
has there been an easier man to beat", said Mr.Millard,  
"because by their works ye shall judge them".'

"Star - July 25/42

'Provincial representatives of the A.F.of L. and  
the C.I.O. met in conference sponsored by the C.C.F.  
as a prelude to the National C.C.F. Convention. Chair-  
man of the morning session was Col. Sam Lawrence,  
A.F.of L. spokesman, with John Mitchell, Director  
District No. 6, Steel Workers Organization Committee,  
C.I.O. presiding in the afternoon.'

"Star - July 27/42

'One hundred and fifty-seven delegates from 62  
Ontario locals of 39 national and international unions  
voted Saturday to affiliate with the C.C.F., M.J.





Coldwell, M.P., here for the party's Convention which opens today, announced. The vote followed a day of closed sessions in the Labour Temple and was carried with only one delegate dissenting, Mr. Coldwell said. Mr. Coldwell hailed the move as one of the most significant in Canadian political history. It means a hitherto penniless party would have some funds with which to carry on, he explained. "This support will be valuable not only in terms of voting strength" he said, "While we do not anticipate any large contributions from the unions, naturally we shall receive some very valuable financial assistance". Mr. Coldwell stated that the C.C.F. wanted the labour movement to have a share in forming the party's policies and he asked the delegates to go back to their unions and find out what they wanted. "The C.C.F. is on the move", said Mr. Coldwell. These unions were both C.P. of L. and C.C. of L. and there was complete unanimity in all deliberations. The vote stated that where affiliation was precluded by union constitutions there would be cooperation with the federation'."

THE CHAIRMAN: If the C.C.F. is elected we shall not need to worry about profits because everything will be for the State. We are all going to be a big happy family if the C.C.F. get elected, and there will be nothing to worry about. I cannot see so far in the brief, Mr. Lang, that has anything to do with collective bargaining. If you have any representations to make on the wisdom or lack of wisdom of collective bargaining



Legislation, I think the members of the committee would like to hear it?        A. It is interesting to trace the source of collective bargaining.

Q. They have had collective bargaining legislation in the different provinces of Canada long before the C.C.F. was ever heard of, and they may still have it after the C.C.F. has gone into the limbo of forgotten things in the course of time, as we all do.

A. The source of collective bargaining legislation is outlined in the brief.

Q. For instance, I see at the head of page 22 you say that a collective bargaining act was drafted by Mr. F.A.Brewin, vice-president of the Ontario C.C.F.?

A. Yes.

"To implement the Conference's decisions a continuous committee was set up consisting of the present C.C.F. Trade Union Committee and 31 members elected at the meeting. Of this Committee F.W.Dowling is the Chairman and M. Sedgewick is Secretary.

"Among the members of the Trade Union Committee are:

John Mitchell, Hamilton, United Steel Workers

William Dunn, Toronto, District Labour Council

William T. Gilmour, International Union of  
Operating Engineers.

T. F. Stevenson, Canadian Electrical Trade Union

Jock Marshall, Shoe Workers Union

Max Federman, Toronto Furriers' Union

B. E. Leavens, International Upholsters' Union

Ernie E. Evans, C.C. of L.



Frank Smith, International Photo-engravers' Union

C. H. Millard, Steel Workers' Organizing Committee

Robert Miller, Boilermakers' Union

Arthur Williams, C. C. of L.

Walter Humphrey, National Union of Carpenters,  
Bricklayers & Allied Building Trades

Nileen Tallman, Office & Professional Workers' Union

Controller Sam Lawrence, International Brotherhood  
of Stonecutters.

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Those elected at the Conference were:

Tom Flanagan, Stratford	)
A.H. Braden, Toronto	) International Associ-
C.E. McLaren, North Bay	) ation of Machinists
Sol Spivak	) Amalgamated Clothing
Lewis Palmero, Toronto	) Workers of America
Hyman Langer	) International Ladies'
M. Finer, Toronto	) Garment Workers' Union
A. Sargent, Oshawa	United Automobile Workers of America
Wm. Turnerfull, Toronto	) International Street
A.H. Thompson, Guelph	) Railwaymen's Union
P. Cheatley, Hamilton	)
Harvey Willoughby	) United Steel Workers
Wm. Mahoney, Sault Ste. Marie	) of America.
Howard Mitchell, Mimico	United Rubber Workers of America
R. Garden	) Typographical Union
W. L. Watt, Toronto	)
Russell Harvey, Toronto	International Photo- Engravers' Union
V. Valin, Toronto	International Upholster- ers' Union
M.C. Smith, London	Shoe & Leather Workers' Organizing Committee
B. Dempsey, Toronto	Textile Workers' Organiz- ing Committee.





	B. W. Lang	1584.
J. Robinson, Toronto	Canadian Electrical Trades Union	
R. C. Gray, St. Catharines	International Brotherhood Carpenters & Joiners	
Kronis, Toronto	International Pocketbook Makers' Union	
H. Weiner	) International Millinery	
L. Drucker, Toronto	) Workers' Union	
H. R. Thompson	) Amalgamated Lithographers	
A. M. Brown, Toronto	) of America	
F. Wagenblass, North Bay	Brotherhood of Railway Carmen	
S. E. Fagen, Toronto	United Hatters, Cap & Millinery Workers	
C. E. Fulton, Guelph	International Moulders & Foundry Workers	
James Faulkner, London	Federal Union Trades & Labour Congress'	

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1941 - July 29/42

"The National Convention of the C.C.F. - extract from report on proceedings - "We want the equivalent of the Wagner Act in Canada which will outlaw company unions" declared Mr. McInnis when C.H. Millard introduced a resolution which demanded the compulsory recognition of trade unions chosen by a majority of the employees, enforcement of collective bargaining, extension of the right to organize and bargain collectively to employees in all government-operated plants and services, changes in the Criminal Code and representation of labour through its unions upon industrial boards and commissions.'

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"The New Commonwealth - National Convention  
Supplement - August, 1942

'A summary of the above resolution was shown as follows:

'A. Compulsory recognition of bona fide trade unions and the enforcement of collective bargaining.

'B. The extension of the right to organize and bargain collectively to employees in all government-operated plants and services.

'C. The replacement of Section 502A of the Criminal Code by effective guarantees against victimization and discrimination.

'D. Equitable representation of organized labour through its unions upon industrial boards and commissions.'

"The March 1943 issue of The Canadian Forum, in an article headed 'The Ontario Collective Bargaining Act' written by F. A. Brewin, Vice-President of the Ontario C.C.F., referred to the 1942 convention in part as follows:

'At the end of July, 1942, with an election in the offing a well-attended and representative conference of trade union delegates met in Toronto, decided to recognize the C.C.F. as the political arm of labor and to recommend affiliation to their local unions where constitutional limitations did not prevent it.'

"Star - September 9/42.

Reporting on a C.C.F.- Union meeting, it was reported in part as follows: Plans for the organization of



all trade unions in Ontario to cooperate with the C.C.F. party for 'political action' were discussed at the Meeting of the C.C.F. and Union officials last night. 'Ontario is the key province to political power in Canada', Clarence Gillis, M.P. (C.C.F. Cape Breton South) told the meeting. 'We realize no progressive movement can function in Canada without Ontario. I am here to assist in the affilidation of trade unions with the C.C.F. .... The Conference of July 25th was the biggest thing in labour in many years' Mr. Gillis said.'

"Star - November 25/42

'Hon. C. D. Howe said in a Winnipeg North-Central Federal By-election address at Winnipeg that the C.C.F. C.I.O. relationship was unfortunate so far as parliament is concerned. He said the C.C.F. had been made the official representative in Parliament of the C.I.O. in Canada.'

"Globe & Mail - January 8/43

'More than 25 local unions with a strength of more than 20,000 members are now affiliated with the Socialist C.C.F. party in Ontario', Clarence Gillis, M.P., Director of the Ontario C.C.F. - Trade Union Committee, told a gathering of members. Mr. Gillis, brought here from Nova Scotia early last September by the Trade Union Committee to organize unions behind the C.C.F., has been travelling throughout the province for the last four months and said he had addressed 137 meetings.'



"Saturday Night - March 11/42

Extracts from an article entitled 'Labor Union - C.C.F. Fusion in Ontario' by Conroy Cunliffe.

... 'But what interested them most was the story of "Clarie" Gillis. He told how his union, the United Mine Workers in the Maritimes - tightest organized group of unionists in any Canadian trade or industry - had affiliated themselves directly to the C.C.F. and were taking direct and successful political action. Speaking not only as a C.C.F. M.P., but as a union member of one of Canada's oldest and most powerful unions, he urged the delegates to take similar action in Ontario.'

'Mr. Gillis, with the permission of his Maritime unionist constituents, remained in Ontario as Director of the Trade Union Committee. His work was financed by a special fund raised by those unions taking part in the Toronto conference. During the fall of 1942 he ceaselessly toured the province, speaking to union locals, plugging the idea of direct union affiliation to the C.C.F. Reporting to a meeting of the Committee before his departure he revealed that, as a result of his work, some 20,000 Ontario Unionists were now affiliated with the party through their unions.'

'The roster is quite impressive. The powerful Garment Trades organizations, both A.F. of L. and C.I.O. brands, are in. The aristocratic Toronto printing unions now pay monthly per capita to the





C.C.F. The senior Algoma local of the powerful C.I.O. United Steelworkers is affiliated, together with numerous other A.F.of L., C.I.O. and national union locals.'

'But the C.C.F. has the advantage of the initiative and an inside track. Its labor support is of long standing. It promises the unionists a set-up through which they can take power into their own hands rather than depending upon political favors.'

"A Collective Bargaining Act was drafted by Mr.F.A. Brewin, Vice-President of the Ontario C.C.F., and was forwarded to the Honourable Peter Heenan by F.W.Dowling, Chairman of the C.C.F. Trade Union Committee, and International Representative of the Packinghouse Workers' Organizing Committee, with a letter in which it is reported he stated as follows:

"The C.C.F. is the political arm of the labor movement..... and that the draft bill had been submitted to three or four hundred local unions throughout Ontario .... all had given warm approval.'

"This draft, which is printed in the March issue of the 'New Commonwealth', is referred to in that publication as follows:

'The act drafted by the C.C.F. is the expression of the united will of organized labor in this province and it will be a basis for immediate legislative action by the C.C.F. as soon as it is elected to power ..... Only one concrete plan for a Collective Bargaining Act has actually seen the light of day ...



the draft bill prepared by the C.C.F. in co-operation with all sections of organized labor. There at least is something solid for labor to think about and work for. At the next election, the C.C.F. bill will be a vital issue.'

"The following are extracts from the draft collective bargaining act prepared by the C.C.F.:

'Define company union as follows:

"A company union shall be any organization of employees over which an employer, directly or indirectly, exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support."

'Constitution of Board. There shall be a board known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor in Council. At least two of such members shall be persons in good standing in a union.

'It shall be an unfair Labour practice for an employer

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 5;

(b) To promote, assist in the promotion of, recognize, or in any way deal with a company union.

(c) To dominate or interfere with the formation or administration of any Labour organization.

(f) To refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not



such representatives are in his employ.'

"A copy of the C.C.F. collective bargaining act, which among other things provides for compulsory pay deductions or check-off, is attached for your information.

"It is apparent that the C.C.F. and the unions are co-operating in every way possible in order to secure legislation which will make it possible for the Unions and the C.C.F. party to rapidly gain members and power.

#### "C.C.F. COLLECTIVE BARGAINING ACT

##### "TEXT OF BILL

"WHEREAS the present struggle against world Fascism requires the utmost productive effort of industry in Ontario; and

"WHEREAS the well-being of the people of Ontario after the conclusion of the war also depends upon industrial democracy and the organization of workers into trade unions of their own choice; and

"WHEREAS there have been obstacles to such industrial democracy in Ontario, including the open and tacit refusal by certain employers to accept the procedure of genuine collective bargaining; and

"WHEREAS effective machinery to enable and enforce collective bargaining is essential to promote the utmost productive effort and to remove causes of fear, insecurity and industrial strife in Ontario;

"IT IS HEREBY DECLARED to be the policy of the Province of Ontario to encourage the practice and procedure of collective bargaining and to protect the





exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment, or other mutual aid or protection:

"THEREFORE BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly as follows:

"1. This Act may be cited as The Ontario Labour Act.

"2. Definition Section. Define person, employer, employee. (Employee to include any individual whose work has ceased as a consequence of or in connection with any current Labour dispute or because of any unfair Labour practice; also to include provincial and municipal government employees, employees of government boards, Crown companies and public commissions; teachers. Define unfair labour practice. Define trade union; Labour organization; Labour dispute. Define company union as follows:

"'A company union shall be any organization of employees over which an employer, directly or indirectly, exercises any control or domination, or to which an employer or his agent contributes or has contributed financial or any other support.'

"3. Constitution of Board. There shall be a board known as the Ontario Labour Board composed of three members appointed by the Lieutenant-Governor in Council (Cabinet). At least two of such members shall be persons in good standing in a union. The members shall be appointed for a term of three years and shall not be removable except for neglect of duty





or malfeasance in Office. The salary of the members of the Board shall be \$..... and the members of the Board shall be eligible for reappointment. The Board may appoint an Executive Secretary and such attorneys, examiners, regional directors and other employees as it may from time to time find necessary for the proper performance of its duties. The Board may establish and use regional, local or other agencies and utilize voluntary and uncompensated service as may from time to time be needed. The principal office of the Board shall be in the City of Toronto, but it may meet and exercise any or all of its power in any other place in Ontario. The Board may, by one or more of its members, or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of Ontario, and such member or members or appointees of the Board shall, when prosecuting such an inquiry, have the powers of, and be subject to, the duties of a person appointed to make an inquiry under The Public Inquiries Act.

"4. The Board shall have power to make rules and regulations to carry out the provisions of this Act.

"5. Rights of Employees.

"Employees shall have the right to organize in and to form, join or assist Labour organizations and to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.



"6. It shall be an unfair Labour practice for an employer

"(a) to interfere with, restrain, or coerce employees, in the exercise of the rights guaranteed in Section 5;

"(b) to promote, assist in the promotion of, recognize, or in any way deal with a company union;

"(c) to dominate or interfere with the formation or administration of any Labour organization;

"(d) by discrimination in regard of hire or tenure of employment or any term or condition of employment, to encourage or discourage membership in any Labour organization, subject, however, to the right of an employer to enter into an agreement with a Labour organization not being a company union, and to require, as a condition of employment, membership therein, if such Labour organization is representative of the employees as provided herein;

"(e) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

"(f) to refuse to bargain collectively with the representatives of his employees designated under the terms of this Act, whether or not such representatives are in his employ;

"(g) to maintain a system of industrial espionage, or employ or direct any person to spy upon or report the proceedings of a Labour organization or the officers thereof, or the exercise by employees of



the rights provided by Section 5 hereof;

"(h) to threaten to discharge, demote, transfer, blacklist or impair seniority rights of any employee in connection with the exercise by such employee of the rights conferred by this Act;

"(i) to threaten to shut down or move a plant in the course of a Labour dispute;

"(j) to interfere in any manner with the conduct of an election of an officer or officers of a Labour organization or trade union or of the representatives of employees;

"(k) to offer or to give bribes or gratuities, or otherwise engage in acts of favouritism in return for cessation of union activities or the commencing of anti-union activities;

"(l) to enter into negotiations with or to solicit individual employees to cease union activities, or to resign from the union, or to refrain from striking, or to join a company union.

"7. (a) The representatives designated or selected for the purposes of collective bargaining by the majority of the employees in the unit appropriate for such purposes shall be the exclusive representative of all employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

"(b) The Board shall decide whether the unit appropriate to effectuate the policies of this Act





and for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

"8. The Board shall determine, after notice by registered mail to an employer and to any Labour organization affected, the facts in regard to any complaint made to it that an employer or employers have been guilty of unfair Labour practices and may make orders either dismissing such complaint or requiring the employer or employers to refrain from such unfair Labour practices where such practices have been, or are, in the opinion of the Board, likely to be committed. The Board shall also be empowered to make affirmative orders, including orders to treat as void any agreement with a company union, to disestablish any company union, to enter into negotiations with and sign a written agreement embodying terms of agreement with the representatives designated by the majority of employees for a unit, as set out in paragraph 7 hereof.

"9. When a complaint is submitted to the Board, a date for hearing shall be fixed not later than 30 days thereafter. It shall be the duty of the Board to render a decision within thirty days after completion of the hearing.

"10. The order of the Board shall be sent by registered mail to the employer or employers concerned forthwith after the making thereof and shall be filed in the Registrar's Office of the Supreme Court of Ontario in the county in which the unfair Labour practice took place, or is alleged to have taken place,



or at the Central Office in Osgoode Hall in Toronto. Such order shall, after the expiration of ten days from the date of filing, be deemed to be confirmed and binding unless an appeal has been taken therefrom in accordance with the provisions of this Act.

#### "APPEAL

"11. Any employer, employee or Labour organization affected by an order of the Board may, within ten days from the date of filing of such order, appeal by notice in writing, setting out the grounds of such appeal, to the Court of Appeal of Ontario. The appeal shall be heard, if possible, in the month filed, but, if not, in the following month by a single Judge of the Court of Appeal of Ontario designated for the purpose by Chief Justice of Ontario. Such appeal shall not be on the facts or on the merits and the appeal shall be dismissed unless the Judge finds:-

"(1) The Board has acted outside the statutory jurisdiction conferred on it;  
or

"(2) The Board failed to give the employer or Labour organization affected a fair and reasonable opportunity to present a case to the Board;

"(3) The Board acted from bias or other improper motives.

"In the event of such finding, the Judge may remit the case to the Board for re-hearing, or dismiss the application to the Board.

#### "ENFORCEMENT

"12. After an order of the Board is confirmed, or if the order is under appeal but the Minister of



Labour has directed that it be binding and effective notwithstanding the appeal on the ground that the appeal is for the purpose of delay or otherwise frivolous, or that for any other reason the order should be promptly enforced, then such order is to be equivalent to a judgment of the Supreme Court of Ontario and any person refusing to comply with the same or aiding or abetting any person in non-compliance with the same, in addition to all other penalties or procedures for contempt of court, shall be guilty of an offence punishable on summary conviction by a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for a term not exceeding one year.

#### "COMPULSORY PAY DEDUCTIONS OR CHECKOFF

"13. Deductions shall be made by an employer from the wages of employees for periodical payments to a union;

"(a) If the officers of such union make application to the Minister of Labour after the taking of a vote of the union membership to ascertain the wishes of the union membership in respect of such deductions and a majority of the union membership, upon such vote, are in favour of making such deductions. The employer shall then make such deductions from the wages of all union members, provided, however, that any individual member may make written request to the employer that such deduction shall not be made from his wages.

"14. Nothing in this Act shall be construed as interfering with or diminishing in any way the right





to strike.

"15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it has been held invalid shall not be affected thereby."

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"J. W. Noseworthy, C.C.F. representative for York South in the House of Commons, addressed a mass rally of all unions in the Windsor area recently, and was reported to have strongly urged support of the proposed Collective Bargaining Bill but warned labour against accepting the inclusion of any clauses for incorporation of unions. He is also reported to have stated as follows:

"The C.C.F. has 25 local unions in Toronto definitely affiliated with us and 39 in the rest of the province, representing 45,000 Ontario workers."

"Mr. E. B. Jolliffe, Ontario Leader of the C.C.F. is reported on March 10th, 1943, to have made the following statements to 300 members of the Shoe and Leather Workers' Union at London Ontario:

"A collective bargaining bill may be passed during the present sitting of the Ontario legislature, but unless the bill prohibits company unions there will be no true collective bargaining.

"If you don't get real collective bargaining out of this session of the legislature, you will get





it next time if you elect sufficient C.C.F. members," Mr. Jolliffe promised.'

"The tactics used by the unions and the C.C.F. in urging the adoption of labour legislation are indicated by the resolution passed by the Toronto City Council on February 22nd, 1943, calling upon the provincial government to enact a Collective Bargaining Bill. The Council also passed a rider authorizing a copy of the resolution to be sent to cities and towns in Ontario asking endorsement, and it is assumed requesting similar action. Those who were reported to have spoken at the Council Meeting in support of the motion included Alderman J.S.Salsberg, Communist-supported candidate, and Aldermen Rev. John Frank and William Dennison, both of whom were endorsed and backed by the C.C.F. in the last election.

"Undoubtedly the unions make many demands for higher pay in order not only to absorb increased living costs and union dues, but also to cover war taxes and enforced savings, as indicated in a resolution at the C.I.O. Convention in September, 1942. In effect, the union workers in this way are trying to pass what should be their share of the war sacrifice to the employer, who in turn must pass it on to the consumer, and therefore, ultimately, to the community as a whole. In this way the organized sections of the workers benefit at the expense of other workers, farmers, consumers and all taxpayers. There is no union protecting the interests of the vast body



of unorganized citizens who pay tribute to unionized workers if their demands are won by the use of power politics, strikes and threatened strikes.

"The report published in the October, 1942, issue of the Labour Gazette, covering proceedings at the . Annual Convention of the Canadian Congress of Labour (C.I.O.) held in Ottawa in September, 1942, reported a number of resolutions which were submitted to the Convention and adopted, including the following:

"'That adequate minimum wages be paid all workers in industry, to be arrived at through full collective bargaining, and that these be established taking into consideration the impact of taxes, etc.'

"'Establishment of industry-wide wage stabilization in each of the key industries, auto, steel, shipyards, etc.'

"Continuing, the report stated as follows:

#### "'COLLECTIVE BARGAINING

"'There were nineteen resolutions presented dealing with the subject of collective bargaining. The Convention adopted a substitute resolution which reads as follows:

(1) That this Convention maintains that industrial democracy is a solution to industrial strife and disharmony.

(2) That this convention declare itself in favour of Dominion legislation similar to that contained in the National Labor Relations Act of the United



States, which gives full protection to workers who by majority vote in a given plant choose a bona fide Labour union as their bargaining agent; and which Act outlaws Company unions and makes collective bargaining and signed contract compulsory on the employer, and which Act further provides for proper administration and appeals in which Labour is given full and equal representation.

(3) That the incoming Executive be instructed to prepare a specimen Act along these lines containing the democratic feature of the National Labor Relations Act of the United States and press upon the Government for its immediate enactment.

(4) That this draft Act be immediately distributed to all affiliated unions of this Congress, in order that the most advantageous action be taken to enlist the full support of the public for its implementation.

(5) That this Congress call upon the Government to set an example of genuine industrial democracy for victory in this war within the meaning of P.C. 2685 by immediately guaranteeing collective bargaining and signed union contracts in Government owned and operated plants.'

"The report included among others a further resolution adopted by the Convention as follows:

"'Expressing appreciation of the C.C.F. members in the House of Commons for the assistance given to labour and advising affiliated unions to study





the C.C.F. programme.'

"The unions, through demands upon the government, have secured since the declaration of war legislation which has made it possible for them to rapidly extend their membership and power, which has been reflected in a number of strikes in war industries.

"Order in Council P.C.2685, dated June 19th,1940, enunciated certain principles for the avoidance of labor unrest during the war, and recommended such principles to employers and employees in the belief that their adoption would make for the avoidance of industrial strikes during the war.

"The following are extracts from P.C. 2685.

"That every effort should be made to speed production by war industries.

"That there should be no interruption in productive or distributive operations on account of strikes or lockouts.

"That employees should be free to organize in trade unions, free from any control by employers or their agents.

"That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement.

"That every collective agreement should provide machinery for the settlement of disputes arising out



of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered.

"That workers, in the exercise of their right to organize, should use neither coercion nor intimidation of any kind, to influence any person to join their organization."

MR. A. A. MACLEOD: Q. What were the advantages accruing to the trade union movement from P.C.2685?

A. That I will cover in just a moment.

"Order in Council P.C. 10802, dated December 1st, 1942, provided the basis on which collective bargaining may be entered into by 'crown companies' with their employees who are properly chosen representatives of a trade union to which the majority of employees of such company belong. The principles as established by P.C. 2685 are referred to in this order. It defines trade unions on a fair and sound basis, as follows in Section 1 (C)

"Trade union" means any combination of employees formed for the purpose of regulating relations between employers and employees but shall not include any such combination which denies membership to any person on the grounds of citizenship, nationality, race, creed or colour."

"The real question which we must keep before us is the place of unions in Canada and the effect of union policies on the future growth of Canadian industry and



the welfare of all Canadians. Unions such as the C.I.O. affiliates are reaching the stage where, instead of representing solely the good of their members, they are supporting the interests of the union leaders. In such cases the organizations and the leaders are becoming more important than the members, and pro-labor legislation and government regulations are promoting that trend.

"The labor legislation asked for by the unions and the C.C.F. would give the unions a monopoly, to the exclusion of all other organizations, in representing Ontario workers and would be a means by which the unions could force the large majority of the Ontario workers to join a union. It would, no doubt, place all workers, union funds and all industry under the direct control of union leaders, and indirectly, under the leaders of the C.C.F.

"The workers must have the say as to what kind of organization is to serve their interests and no legislation should give any particular group or type of organization undue advantage over others.

"Unions naturally object to what they term 'Company Unions' and would like to have them outlawed, just as many business organizations would like to have a competitor put out of business if it were possible to do so. The unions claim that a worker in choosing the organization to represent him should be free from any influence by his employer, whereas it is the union organizers who excel in the use of unfair tactics, such as promising to secure wage increases in defiance of





government regulations and influencing workers to join the union by coercion and intimidation.

"The unions in their presentations appear to work on the theory that there can be no harmonious relations between employer and employee unless the workers belong to a union. However, employee-employer relations usually do not involve any great difficulties where the employers are fair, employees reasonable and union agitators absent.

"In a great number of briefs presented by the unions, stress has been laid on the necessity for legislation in order to provide machinery for clearing up workers' grievances and unsatisfactory conditions created by the employer which lead to strikes and threatened strikes in war industries."

THE CHAIRMAN: Q. Mr. Lang, the committee is getting restless. We have sat here for three weeks and have heard every argument you have set out here some ten or fifteen times. Representatives of the unions quite frankly said they were affiliated with the C.C.F. That is their democratic right. If they desire to contribute financially to the C.C.F. or the C.C.F. can help them financially, that is their business. We quite understand your point of view, perhaps better than you can understand ours, because we have sat here day after day and have listened to all the arguments pro and con with regard to collective bargaining. We have heard the Canadian Manufacturers' Association representative tell us that if the collective bargaining bill is passed we





will have strife, ill-will and chaos, and we have heard the representatives of various unions say that if the collective bargaining bill is passed we will have strife, ill-will and chaos. If you have anything new to offer, we shall be glad to hear it. A. I think there is something new here, sir.

"An instance of this is the brief submitted by Mr. C. S. Jackson of the United Electrical Radio Machine Workers of America which stated in part as follows:

"'We implore you to recognize the dangers of interruption of production arising out of the many acts of intimidation, discrimination and outright provocation (by the employer) which are prevalent in the war plants of this country.'

"What is the cause of dissatisfaction among employees which leads to strikes. Strikes and threatened strikes are the result of the work of union organizers in practically all instances. It is most unusual to hear of a strike being threatened in a plant where union organizers are not present.

"What are the conditions leading up to strikes? Unions, in making a drive to organize the workers in a plant, usually operate on a 'dollar psychology' and, in most cases, promise the men that, if they join the union, they will secure for them higher wages, vacations with pay and other benefits, although many of such promises are in defiance of the law and the government."



Q. We have heard those arguments twenty times, anyway. I could give you every argument pro and con at the end of the first week, I think? A. Then:-

"During the drive for membership the tactics are usually varied to meet the circumstances and the attitude of the individual worker. It is not uncommon for the unions to attempt to intimidate the workers by advising them that, if they do not join the union, they cannot stay on the job. Workers appear to believe that the union organizer has some mysterious power and are therefore easily intimidated. When unions are organized in a plant, the workers are asked to sign a membership application or card by which they become members of the union, although the unions seldom attempt to collect dues until they have definitely secured some benefit which has been promised to the prospective members.

"When the union has secured a number of workers as members it is then necessary for it to endeavour to negotiate with the management in order to secure wage increases or other benefits which have been promised to the men by the union organizers. If the management does not recognize the union, or, through the union representations, give concessions to the unions, then the union usually threatens to strike or calls a strike in an endeavour to force the management to meet its demands.

"In many cases, due to government controls on



first instance with a demand upon management for increased wages, but will demand that the management recognize the union as the collective bargaining agency of the workers and very often strikes are called strictly on the basis of securing recognition. If the unions are successful in securing recognition as the workers' collective bargaining agent, then they are in a position to make demands for increased wages, holidays with pay and other concessions.

"The unions, which represent a minority of Ontario workers, are now demanding legislation which would make it compulsory for all management to enter into collective bargaining agreements with the representatives of organizations chosen by a vote of the workers.

"If any legislation along the lines requested by the unions is enacted, the unions would no doubt immediately proceed to endeavour to unionize all plants, choosing first the larger war plants, where large numbers of workers, many new to industry, are engaged in war work. After a plant has been organized to the point where the union feels that it is safe to do so, an election would be demanded to determine the organization to represent the employees. The Union would organize a high pressure pre-election campaign and would, no doubt, make promises to the workers of increased wages and other benefits, and the workers would have no means of knowing whether such promises could be fulfilled. The unions ask for legislation which would make it impossible for an employer to





interfere in any way with the conduct of the election or to speak to his employees or advise them on the question of the organization which should be chosen to represent the employees. Therefore, such elections would be entirely one-sided affairs with little doubt as to the outcome.

"If, under the proposed legislation, the employer is compelled to bargain with the union and the union does not secure everything it demands, the union could then bring the matter before a war labour board or other committee or government representative for decision or direction, fully aware that the majority of such decisions would be in its favour due to the pro-union legislation.

"The unions are asking for labor legislation which defines unfair labor tactics only in terms of what the employer may or may not do. In view of the extreme methods and tactics which may be resorted to by the unions, any such legislation should give employers equal rights with those of the unions and also protect the worker against the unfair tactics of the unions."

Then I give you a reference to the conditions in the United States under the Wagner Act.

Q. We have had a lot of evidence on that? A. Yes.

#### "GROWTH OF UNIONS IN THE UNITED STATES

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"In the United States of America the great union revival in the thirties had both government inspir-



ation and support, and employers have been practically powerless to influence its consistent progress under government sponsorship. With the passage in 1935 of the National Labor Relations Act, often referred to as the Wagner Act, the employer lost his right to contact his workers directly in exchanging viewpoints on issues vital to both employer and employees. That right is a union monopoly under the Wagner Act and the operation of the War Labor Board. In the United States business is being coerced by unions' growing influence in government. Not only has union been given a definite advantage in bargaining, but it has been given such powers that it dictates its own terms in collective negotiations. Management lost the initiative in employer-employee relations under the Wagner Act and management is now being opposed in labor affairs by the combined forces of unionism and government. The Wagner Act outlawed any union or employees' organization favored, supported, or assisted in any way by the employer, thus bringing to an end the opportunity for employers to work out a solution of their employer-employee relations problems without interference from outside. From that time on, the initiative for establishing organized collective forms of employee relations passed to professional unions.

"In the United States the unions, which have experienced rapid growth under government sponsorship, are now in the position where they not only dictate to individual companies and industries, but also attempt



to dictate to, and if necessary force the government to do their bidding.

"The reported contribution of \$500,000 to the Democratic Campaign by John L. Lewis' United Mine Workers Union (C.I.O.) some years ago indicates the power of such a union in its political lobbying.

"The attached copy of an extract from a February 1st 1943, bulletin of the International Economic Research Bureau of New York, covers a review of the present position of the workers, unionism and industry in the United States, after operating under the Wagner Act since 1935."

Then on page 31 there is an extract from "International Economic Research Bureau," bulletin of February 1, 1943, and at page 32 a report of the proceedings of the National Labour Forum on March 3, 1943.

I am sorry if I have worried you, sir.

THE CHAIRMAN: We are just about exhausted; that is all.

---Witness withdrew.

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(Page 1612 follows)





MR. FURLONG: The next item on the agenda is a brief from the Canadian and Catholic Confederation of Labour, Inc. I asked the Federation to be brief, and they have obliged us by sending in a two-page document to be filed. It is very much in favour of collective bargaining. At the moment I will read two paragraphs from page 2:

"1. The two great labour liberties, in our opinion, are the freedom of association, and the freedom of coalition;

"2. The freedom to join a union does suppose, at the same time, the right to choose the union of one's own choice, and the right to resign from it;"

I ask that that brief be extended into the record of the proceedings.

EXHIBIT NO: 186: Submission by The Canadian and Catholic Confederation of Labour, Inc., 19 Caron Street, Quebec City, P.Q., on labour unions and collective bargaining:

Mr. Chairman,  
Gentlemen,

"The Canadian and Catholic Confederation of Labour, although most of its fifty thousand members are workers of the province of Quebec, has however few hundred members in the province of Ontario, in the printing and building trades, and beg to submit the present brief to the committee of the Ontario Legislature appointed to study collective bargaining.

"Our organization is grateful to the chairman of the committee and his colleagues to have granted us this opportunity of expressing our views on labour unions and collective bargaining.





"Ontario and Quebec are admittedly the two main industrial provinces of Canada. We feel that a closer co-operation between these provinces has resulted from the more frequent contacts that have taken place during the last years between the Labour Departments of Ontario and Quebec, and between employers' and employees' organizations.

"Although different, the labour legislation in both provinces is leading gradually to embody certain basic and similar principles with due regard, in their application, to the mentality, traditions, social and economic situation of each province. And we feel that the labour regulations in each province will more and more benefit particularly to industries undergoing inter-provincial competition such as textile, glove, furniture, clothing, boot and shoe, etc.

"When similar industries in both provinces will have been regulated through the agency of their provincial legislation, it is the opinion of the Canadian and Catholic Confederation of Labour that the Labour Departments concerned could successfully arrange to have interprovincial conferences in such industries. Representatives of employers' and employees' organizations attending those conferences would exchange the experiences that each province has gone through as well as the results obtained.

"In connection with labour unions and collective bargaining, the Canadian and Catholic Confederation of Labour is in favour of compulsory incorporation and compulsory collective bargaining. But we think that,



on such important matter as compulsory incorporation, (and leaving collective bargaining to be dealt with by Provinces), a federal-provincial conference should be called to explore the subject and work out a draft based on general principles agreed upon, which will pave the way for provincial legislation as uniform as possible, taking into consideration the conception and characteristics of each province in connection with labour organization and collective bargaining.

"The Canadian and Catholic Confederation of Labour believes that, in all such measures, whether the Dominion or a province passes a legislation, the two great labour liberties (freedom of association and freedom of coalition) should be fully maintained and protected, and, in this connection, submits the following suggestions:

"1. The two great labour liberties, in our opinion, are the freedom of association, and the freedom of coalition;

"2. The freedom to join a union does suppose, at the same time, the right to choose the union of one's own choice, and the right to resign from it;

"3. The existence of any labour union properly constituted does include, we believe, the right to official recognition, the right of having delegates freely chosen to meet the employers, and the right of negotiating on behalf of its members;

"4. Consequently, the law, in our opinion, should compel employers to recognize legally constituted unions, to welcome their authorized representatives and to neg-



otiate collective labour agreements;

"5. When only one labour union exists in a plant, this organization should be permitted by the law to conclude a closed shop agreement through the regular and free channels of collective bargaining, as far as the said union is a corporate body, responsible before the law, and as far as its members will have legal appeal against it if their rights are unjustly violated;

"6. Such closed shop agreements already in existence would not be modified as long as they comply with the law;

"7. When the employees of any employer belong to different labour unions, whether craft or industrial unions, the law should contain provisions in favour of a cartel which could carry the negotiations through successfully with the employer, and, if a cartel is not possible, the law should contain provisions for the settling of the disputes through conciliation procedure, after consultation with the interested parties;

"8. The law should definitely bar any association of employees really organized by the employers or their agents;

"9. The second great labour liberty, the freedom of coalition, includes, in our opinion, matters connected with conciliation, arbitration, strikes and picketing;

"10. Collective labour agreements, we believe, should contain compulsory provisions providing for procedure of conciliation and arbitration to be followed to settle disputes;





"11. No strike should be recognized as a legal strike unless the dispute has been carefully studied and dealt with by a conciliation or arbitration board of three members, and only if, of course, all interested parties have not previously engaged themselves to accept the unanimous recommendations or the majority report of the board;

"12. The law should contain rigid penalties against its violators, and the cases, in our opinion, should be heard before special industrial court created to handle such matters.

"Respectfully submitted,

"THE CANADIAN AND CATHOLIC CONFEDERATION  
OF LABOUR, INC.

"March 1943.

THE CHAIRMAN: Another communication has just come down from my office from the Canadian Founders' and Metal Trades' Association. It is rather lengthy, so I think it had better be extended in the record of proceedings.

EXHIBIT NO. 187: Letter dated March 17, 1943, from S.J. Frame, Secretary, Canadian Founders' and Metal Trades' Association to the chairman of the Select Committee on collective bargaining:

"Respecting labour legislation which the Ontario Government intended to put into effect, we believe that the Government's decision to give all parties concerned an opportunity of expressing their views - before enacting any such legislation - was a wise move.

"This memorandum is submitted on behalf of Canadian Founders' and Metal Trades' Association incorporated under Dominion Companies Act, March 19th, A.D. 1920, with Supplementary Letters Patent issued February



23rd, A.D. 1921.

"Canadian Founders' and Metal Trades' Association includes in its membership forty-four foundries, forty-three of which are situated in the Province of Ontario, chiefly grey iron foundries.

"The foundry industry is a basic industry, it being conservatively estimated that there are more than twelve thousand employees in the grey iron and malleable castings foundries in Canada.

"The following representations are hereby respectfully submitted:

"1. That any labour legislation which in its wisdom the Ontario Government should see fit to enact should have as its prime objectives the winning of the war and the promotion, essential for the peace, harmony and maintenance of order and discipline which are essential in both the war and post-war periods, of conditions in factories - wages and plant conditions - fair and just to employers, employees and the public generally.

"2. In considering labour relations, human imperfection has to be remembered, it applying alike to employers, employees and trades union representatives.

"Allowing for human frailty the average employer is striving by fair and just treatment to deserve the confidence of his employees and the great majority of employees are reasonable, loyal and faithful.

"The representatives of trade unions - which, properly administered, are beneficial to both employees and employers in industry - are as much subject to human frailty as employers or employees.



"For example, today union organizers, by mass suggestion, are creating confusion in the minds of the workers and suspicion of employers, which naturally retards the war effort.

"Consequently, if the Ontario Government deems it necessary to enact labour legislation, great care should be taken to avoid the giving of undue power to trade unions to the detriment of employees, employers or the public generally or towards creating in the State an Imperio in Imperium.

"In our imperfect world, infinitely more than by legislation, peace and harmony among employers and employees will be attained by the practice of the Golden Rule, there being quoted in this connection the following utterance by Mr. John R. Steelman, Director, United States Conciliation Service, delivered before the American Trade Association Executives, Mayflower Hotel, Washington, D.C., April 29, 1940:

"It is my firm conviction that conciliation provides the most effective and the most permanently satisfactory method of settling most of our labour disputes. For it is when the parties develop their own solution that they contribute most to good relations in the future. I do not say that, when the parties have worked out a solution by conciliatory methods, the harmony and success of their future relations are assured. Far from it. Labour relations are not static. These things are never assured. I do say that when labour and management have worked out a settlement by voluntary mediation





in applying the settlement.<sup>1619.</sup>  
they are most likely to succeed. And, from the  
conciliatory process and from its fruition, they  
can scarcely avoid gaining a deeper insight into  
each other's needs and desires and a keener  
appreciation of their mutual dependence.'

"3. In the foundries, some foundries have agree-  
ments with labour unions; some foundries have agree-  
ments with their men, the agreements being reached with  
employees (who are members of the union) representing  
the men; some foundries have shop councils.

"In foundries in which prevail no agreements with  
the men nor shop councils the men have access to the  
management at any time, the management being willing to  
confer on any matters affecting the welfare of the men  
or listen to any grievances which they may have.

"Shop councils are working satisfactorily in a  
number of foundries and there being nothing sacrosanct  
in the idea that every labour agreement should necess-  
arily be with a trade union, any legislation which  
may be enactment should allow for the continuance where  
they exist of shop councils so long as the majority of  
the employees are satisfied with the same.

"4. Canada being part of the British Empire and  
Great Britain being far in advance of America in the  
settlement of labour problems, we respectfully submit  
that in regard to any labour legislation, to reach the  
goal of peace and contentment among employers and em-  
ployees, British labour legislation should be followed  
rather than American legislation such as the Wagner Act.

"5. If the Government should deem it necessary to  
enact labour legislation, we would respectfully suggest:





(a) That legislation should be based on British legislation rather than on American legislation such as the Wagner Act.

(b) That any Collective Bargaining Act should permit the continuance of the present machinery for good industrial relations now existing in many plants in the province, such as employees' representation plans, works councils, independent unions, or joint committees, the latter being particularly applicable to small plants.

(c) That individual employees or minority groups should be allowed freedom of association and freedom to work without being obliged to join a union, or maintain their membership therein.

(d) That the check-off system of collecting union fees should not be permitted, and certainly should not be made compulsory.

(e) That unions should be required to register and to file copies of their constitution and bylaws, a list of their officers, and an annual statement of income and expenditures.

(f) That unions should be forbidden to use intimidation, misrepresentation and other unfair practices, with penalties for infraction.

(g) That there should be a provision prohibiting strikes and lockouts for the duration of the war.

(h) That there should be a provision regulating picketing or if strikes and lockouts are prohibited for the war, picketing also should be prohibited.

"6. In conclusion you are hereby assured that these



representations on behalf of Canadian Founders' and Metal Trades' Association are made in the spirit of sincere friendship and goodwill towards employees and any whom the employees may select to represent them, and in a realization of the fact that never more than now have the times called for employers and employees understanding each other and co-operating harmoniously.

"All the above respectfully submitted.

"Copies of this letter mailed to each of the other members of the Committee.

(Sgd.) "S.J. Frame,  
Secretary."

THE CHAIRMAN: Here is another communication from the Prince Edward Branch, No. 94, of The Canadian Legion of the British Empire Service League, Windsor. I think that should be extended into the record.

EXHIBIT NO. 188: Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Prince Edward Branch, No. 94, The Canadian Legion of the British Empire Service League, Windsor, to the Chairman of the committee on collective bargaining, enclosing letter dated Windsor, March 13, 1943, signed by Howard M. Smale, Chairman, Veterans' Assistance Commission, Windsor Local Committee to the members of said branch 94:

"March 17, 1943.

"Honorable J.H. Clark,  
Chairman Select Committee,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Sir:

"The attached letter was received and unanimously adopted by resolution at the regular monthly meeting of this Branch at Windsor, on March 11th, 1943.



"You are respectfully requested to give the matter contained therein your serious consideration. It is our hope that you will do your utmost to obtain just treatment of the splendid youth who are now protecting our future with their lives.

"We cannot over emphasize the importance of this issue and its urgency.

"Respectfully yours,

(Sgd.) " R. Hilliard.  
Secretary-Treasurer.

"RH.em.

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"Windsor, Ontario,  
March 13th, 1943.

"To the Members of Branch 94,  
Canadian Legion.

"Mr. President, Gentlemen:

"Your attention is hereby drawn to the proposed legislation under consideration by a select committee appointed by the Premier of the Province of Ontario under the Chairmanship of Speaker of the Provincial Legislature the Hon. J.H. Clark. This body has been authorized to investigate and to report on the proposed collective bargaining legislation by recommendations to the House, at the conclusion of their sittings now being held at Toronto.

"Testimony and briefs are being publicized daily in the press of the country from which it would appear that the majority effort is being put forward by organized labour. Careful scrutiny on the part of the writer has failed to indicate any consideration of the position of the absentee worker in uniform or of the uniformed





youth, who, were he not now serving his country, would have a place in the industry of our land.

"The Canadian Legion have a definite responsibility to perform as guardians of the interests of enlisted men during their absence; and as such, to be represented at the deliberations now being held, by competent representatives supported by legal counsel. Such representatives should particularly guard against inclusion in the legislation, of anything, which will in any way, alienate the rights of any enlisted man, or which will cause any ex-soldier difficulty or embarrassment in finding employment upon his discharge from the forces.

"The position of the enlisted man who had established seniority in industry, is already partially protected by clauses in many labour contracts, in which it is stated that such man's seniority shall accumulate during his absence. However, this seems hardly adequate, in that it appears to only guarantee his re-employment in the plant, or industry from which he enlisted, but does not guarantee him his old job or previous wage scale. The Legion's greatest concern should be directed towards guaranteeing a fair and equitable opportunity for the youth of Ontario who left school or college or lesser forms of occupation, to serve us in uniform. Any of these lads who can show the ability and who wish to enter industry, should be permitted to do so, at least, on a par with the youth who at the time of enlistment of the former, chose to go into an industry and work six months or such similar period as would



guarantee his establishment on the seniority lists of his employer.

"To end this, the Legion must press for inclusion in any collective bargaining law, a preference clause, covering and protecting the returned soldier upon discharge from the forces; and, a reasonable period of time in which to prove his adaptability to his chosen work; establish the right of any discharged soldier returning to, or entering industry, where seniority rights are established, to claim his place on such lists of plant seniority as of the day previous to his enlistment date.

"All the foregoing is submitted in the interest of National unity in the post-war re-establishment period, when Canadians in every part of the Dominion will suffer severely if unwise decisions or unfair treatment is permitted to be written into our statutes through lack of foresight at this time.

"The writer further suggests that providing the foregoing is acceptable to Branch #94, that it be accepted in whole or in part as an expression of the Branch and that it shall thereupon become a resolution addressed to the Provincial President, Canadian Legion; that a copy be immediately forwarded to the following persons -

Hon. J.H. Clark	- Chairman Select Committee.
Premier Conant	- Parliament Bldgs., Toronto.
Hon. Geo. Drew	- Leader Opposition Party.
All Branches Canadian Legion in Ontario.	
President	- Canadian Legion, Dominion Command, Ottawa.



Canadian Manufacturers Association, Toronto.

" Fraternally yours,

(Sgd.) "Howard M. Smale,  
Chairman, Veterans' Assistance  
Commission,  
Windsor, Local Committee."

THE CHAIRMAN: Then I have a communication from J.O. Herity, manager, Chamber of Commerce of the city of Belleville, dated March 16, 1943 to the Chairman of the Select Committee on collective bargaining, enclosing copy of resolution unanimously endorsed by Manufacturers' Division of Belleville Chamber of Commerce. I think those documents had better be extended into the record of the proceedings.

---EXHIBIT NO. 189: Letter dated March 16, 1943, from J.O. Herity, Manager, Belleville Chamber of Commerce, to Chairman of Committee on collective bargaining, enclosing resolution of Manufacturers' Division of said Chamber of Commerce:

"March 16, 1943.

"Hon. James H. Clarke, M.P.P.,  
Chairman, Select Committee re Collective Bargaining,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Mr. Clarke,-

"Enclosed you will find copy of resolution which was unanimously endorsed by the Manufacturers' Division of the Belleville Chamber of Commerce at a meeting of representatives held here on the 12th instant.

"This meeting was representative of such well known manufacturing industries as the Canadian Industrial Alcohol Co. Ltd.; Belleville-Sargent & Co. Ltd.; Corbin Lock Mfg. Co. of Canada Ltd.; Stewart-Warner-Alemite Corp. of Canada Ltd.; Stephens-Adamson Mfg. Co. of Canada, Ltd.; Reliance Aircraft & Tool Co. Ltd.;





Bristol Aircraft Products Co. of Canada Ltd.; Consolidated Optical Co. of Canada Ltd.; Mead Johnson & Co. of Canada Ltd.; Deacon Bros. Ltd.; Bell Shirt Co.; J. & J. Cash Inc.; Swift Canadian Co. Ltd.; Houston Co. Ltd.; Citizens Dairy Co. Ltd.; Canada Packers Ltd.; Graham Dried Foods Ltd. and others. That list represents a pay-roll of upwards of 4,000 hands. Five of them are the Canadian branches of industrial corporations that are the largest in their class in the world. Several others of our larger industries were not represented at the meeting because their presidents or general managers were out of the city or could not leave at the time.

"You will notice in reading over our resolution that several of the clauses are similar to those already brought to your attention by the Ontario Division of the C.M.A. But you will also ascertain that a number of the sections are quite different and cover other ground. We hope you can see your way clear to bring these representations to the attention of the Select Committee before it concludes its sittings.

"Very truly yours,

(Sgd.)

"J.O. Herity.  
Manager."

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RESOLUTION

"Unanimously endorsed by the Manufacturers' Division of the Belleville Chamber of Commerce at a meeting held on March 12, 1943.





"RESOLVED that this gathering of representatives of the manufacturing industries of Belleville, including all the larger employers of labor, recommends for the consideration of the Select Committee of the Ontario Legislature the following points:-

- (1) That any and all workers shall have absolute freedom of choice to join or not to join any company union or other type of union.
- (2) That non-members shall not be forced to pay dues to any union.
- (3) That non-membership in a union or in any association of workers shall not be regarded as a just cause for the dismissal of an employee or of refusal of engagement.
- (4) That employers shall be granted the right to be represented at any meetings and to state their views whenever projects to form unions are being discussed.
- (5) That a majority of employees in any company shall be required to declare or force a strike or to engage in collective bargaining.
- (6) That when agreements are entered into between employers and employees, or unions representing employees, that the agreement shall be equally<sup>binding</sup> on both parties during the life of the said agreement.
- (7) That all unions, whether company unions or not, shall be required to have printed for distribution to all its members, and to employers as well, annual audited financial statements, giving in detail the amount of dues collected and of the expenditure of same.



(8) That election of officers or bargaining representatives whether in company or other unions, shall be conducted in absolute secrecy and that any attempt at undue influence shall be punished by proper penalties and, further, that all election returns shall be made known to all the members.

(9) And, further, that the practice known as picketing shall be declared illegal, believing, as we do, that the said picketing almost invariably results in disorder, improper influence and intimidation, as well as serious damage to business, particularly where placards are displayed which virtually amounts to efforts at boycott.

(10) That strikes in essential war industries and services be absolutely forbidden while the war is in progress and that all matters in dispute be referred to an acceptable board of arbitration, the decision of which shall be equally binding upon both parties to the dispute."

MR. FURLONG: Mr. Chairman, as was intimated earlier in the proceedings by yourself, we should, if possible, hear from Mr. John B. Aylesworth, K.C., who represents some important companies.

THE CHAIRMAN: Yes.

MR. FURLONG: Then I will ask Mr. Aylesworth if he will now make a statement to the committee.

JOHN B. AYLESWORTH, appeared.

MR. AYLESWORTH: Mr. Chairman and gentlemen, at the risk of incurring your severe displeasure I am going to



file a brief, copies of which are available for all members of the committee.

I have listened almost as extensively as the members of the committee itself to these proceedings, and I am quite aware of the duplication of representations that has occurred, and therefore, with the exception of some preliminary remarks that <sup>I</sup> might make, those I represent felt that they could be of more assistance by making suggestions as to certain principles upon which the legislation should proceed, if the committee is of the opinion that there should be legislation. With your permission I should like to proceed to read this

THE CHAIRMAN: May I interrupt. I see you represent the following companies:

Ford Motor Company of Canada, Limited.  
Chrysler Corporation of Canada, Limited.  
General Motors of Canada, Limited.  
Truscon Steel Company of Canada, Limited.  
Dominion Forge & Stamping Company, Limited.  
Canadian Motor Lamp Company, Limited.  
Long Manufacturing Company, Limited.  
Gotfredson, Limited.  
Canadian Automotive Trim, Limited.  
Canadian Bridge Company, Limited  
Canadian Steel Corporation, Limited.  
Auto Specialties Mfg. Company, (Canada) Limited.

I have an idea as to the number of persons employed by these organizations, but some members of the committee who do not live in Windsor may desire some information about that. Could you tell us roughly the number of workers





employed in these plants?

A. That is covered in the

brief, sir:

MEMORANDUM SUBMITTED BY MR. JOHN  
B. AYLESWORTH, K.C. REGARDING  
COLLECTIVE BARGAINING BETWEEN  
EMPLOYERS AND EMPLOYEES:

"Shortly after the appointment of this Committee, certain members thereof and Counsel for the Committee, being aware of the fact that I have assisted several employers in the actual negotiation of numerous collective bargaining agreements and in other aspects of labour relations, suggested to me that some expression here, in a general way, of the views of such employers, or of some of them, on the principles of a compulsory collective bargaining act might be of assistance to the Committee as part of the record of the proceedings before the Committee.

"In compliance with that suggestion, I am here to record in my own words, in general terms only, what I believe to be the views of many of the above named employers as to those principles.

"You will recognize, I know, that these views must be expressed in general terms without descent into detail, because individual employers differ from one another on detailed aspects of such a question and also because time itself has not permitted any adequate discussion on my part with these employers as to detail.

"I am expressing no views on behalf of any of these employers as to whether or not it is either necessary or desirable to enact compulsory collective bargaining legislation in this Province at this time;



in actual fact I have no instructions upon the point nor was it suggested to me that I should obtain any. These employers themselves have sought no legislation upon this subject and most of them, before any such legislation was first suggested, had negotiated and entered into collective bargaining agreements; none of the others have refused to do so when an established majority of the employees concerned has requested collective bargaining

"The question as to whether or not there shall be a recommendation to the Legislature to enact compulsory collective bargaining legislation is one for the decision of your Committee, acting in the public interest and upon the basis of careful consideration of all of the evidence and submissions given and made before you in this somewhat lengthy hearing.

"The three above named automobile manufacturing companies are, of course, well known and require no further identification; the remainder of the companies mentioned, (many of which also are widely known, particularly in Ontario), all operate plants in the Windsor area. They presently employ hourly-rated employees totalling approximately 30,000. All are engaged 100% on war work. Many - if not all - of these employers at the present time have very greatly enhanced working forces directly as a result of the war.

"As has been stated, many of them have entered into collective bargaining agreements. Those which have not entered into collective bargaining agreements have themselves promptly requested the Department of



Labour of the Dominion Government to arrange for and supervise a vote of the employees by secret ballot, when in receipt of a claim by some collective bargaining agency to represent a majority of the employees and a request to the employer to commence negotiations accordingly with a view to the conclusion of a collective bargaining agreement. In this manner, the wishes of the majority of the employees concerned have been or are being ascertained promptly and impartially. In some instances, the parties have not, as yet, been able to agree upon the procedure for the taking of the vote, and points of difference have arisen which may require to be heard and reported upon, either by an Industrial Disputes Investigation commissioner or by a Board of Conciliation and Investigation under the Industrial Disputes Investigation Act.

"In all cases, the request for collective bargaining has not come from an international union or even a national union; on the contrary, a request in some instances comes from an independent association of the employees in the particular plant, - formed solely at the expense and instigation of the employees themselves, and not dominated, influenced or even suggested by the employer. In some cases, the collective bargaining agency asserting a claim to represent a majority of the employees concerned has not always substantiated this claim in the resulting vote by secret ballot.

"These companies feel that if compulsory collective bargaining legislation is to be enacted in this Province, the subject is of such great importance that





great care should be taken by your Committee and by the Legislature, to see that such legislation proceeds along sane and constructive lines. If the recommendations of your Committee is that such legislation should be brought down, it should be framed with a view to promoting improved labour management relations, to the acceptance of greater responsibility on the part of bargaining agencies claiming to represent a majority of the employees concerned and to greater discipline of thought and more constructive conduct on the part of those agencies, and particularly the leadership thereof.

"Any such legislation, if enacted, should declare and provide:

1. That employees are free to join any union or association of their choice, and are equally free not to join any union or association, and that any term or condition of employment prohibiting an employee from joining any such union or association be declared void.
2. That there be exempted from the provisions of the Act employers employing less than fifty (50) persons (or at least some such minimum number), and employers engaged in agriculture.
3. That collective bargaining agencies be required to file with the Minister of Labour, and to supply to every member of the agency, independently audited statements at least annually, showing details of receipts and disbursements of the local or branch to which the member belongs, and also of the agency as a





whole, so far as Canadian operations are concerned.

4. That each local or branch of a collective bargaining agency having more than one branch, or, if the collective bargaining agency has no locals or branches, then the collective bargaining agency itself, be required to hold elections of its officers at least annually by secret ballot.

5. That collective bargaining agencies be required to file with the Minister of Labour a list of their respective officers and a certified copy of their respective constitutions and by-laws, and keep current such information as filed.

6. That wherever a collective bargaining agreement exists between an employer and a collective bargaining agency, a strike be neither called nor supported by the agency, until the strike has been authorized through secret ballot by a majority of the members in good standing of the collective bargaining agency.

7. That the following actions upon the part of anyone be declared to be unfair practices in contravention of the Act, namely:

(a) - Discharge of or discrimination by an employer against employees by reason of their having joined any collective bargaining agency, or by reason of a request for negotiations with a view to the conclusion of a collective bargaining agreement, or by reason of the institution of or participation in any proceedings or prosecution under the Collective Bargaining Act;

(b) - Any act by an employer, including financial



aid, of coercion, intimidation or of undue influence against employees in respect of their forming or joining or in respect to the administration of any collective bargaining agency, or the selection or designation thereof:

(c) - The entering into of any contract of employment in conflict with or in contrvention of any of the provisions of the Act.

(d) - Any act by any member or official of any collective bargaining agency, of coercion or intimidation against employees by reason of their refusal or failure to belong to any collective bargaining agency or by reason of the institution of or participation in any proceedings or prosecution under the Act itself.

8. That nothing in the Act be construed to give employees the right to work for or to attempt to organize a collective bargaining agency in their working hours or on the premises of their employers, save as may be provided by the terms of a collective bargaining agreement with the employer.

9. That the exclusion from the provisions of any collective bargaining agreement of employees of an employer, while within certain classifications of employment set forth in the collective bargaining agreement itself shall not be deemed to be in conflict with or in contrvention of any of the provisions of the Act."

THE CHAIRMAN:Q.Please read that again? A. Perhaps I might give you a short explanation of that paragraph, Mr Chairman. It is customary in negotiating a collective



bargaining agreement between an employer and any association, whether it be national or international, or an association of employees, to provide for the exclusion from the provisions of the agreement of certain classifications or employees, varying dependent upon the conditions in the plant, such as men acting in a supervisory capacity, confidential clerks, protection men, time study men, and so forth; classes of employees who, by the very nature of their work, act in a confidential capacity.

MR. FURLONG: Q. Sometimes office workers? A. Yes, office and salaried workers:

"10. Suitable provisions for the ascertainment by secret ballot of a collective bargaining agency and for the certification of a collective bargaining agency which has complied and so long as it continues to comply with the provisions of the Act, care being taken in any such provisions to protect the rights of groups of employees who, by reason of their particular trade or art, belong to or desire to belong to a craft union. That every application by a collective bargaining agency for certification be on written notice to the employer concerned and that the employer be given full opportunity to make representations upon the subject."

Take the case of a large employer with very many employees engaged in very different types of work : unless care is taken with respect to the certification of the collective bargaining agency - and I believe I mentioned this earlier, Mr. Chairman - an employer might possibly find that an agency had been certified which represented some small not properly identifiable group of employees; and so he might, in a large







have company, nineteen or twenty requests to bargain with such agencies. It is a matter of common sense, and can be worked out, I think, by the administrator of the Act; but it should be provided that the employer, who after all is very much interested in this matter, should be able to make representations to the authority as to the problems he will face if a particular unit is set up in his plant.

THE CHAIRMAN: Q. You are not objecting to segmentation? A. No; as long as segmentation proceeds on common-sense lines.

"11. That there be no compulsory arbitration whatsoever."

Q. Who is asking for that? A. Some are asking for compulsory arbitration on some angles as to the interpretation of the agreement.

Q. You do not mind putting that in a collective bargaining agreement? A. In many collective bargaining agreements it is included; but we feel that compulsory arbitration itself is directly the reverse of the negotiation of an agreement.

Q. You mean legislative compulsion? A. Yes, exactly.

"12. That written statements or written propaganda of any kind relating to terms and conditions of employment, distributed in any manner to any employee of an employer, either by or on behalf of the employer or by or on behalf of a collective bargaining agency, be signed or otherwise identified by the person or persons responsible for the issuance thereof."

That is to say, to prevent what occurs so many times during the attempted organization of employees, or on other



occasions, and that is the passing of squibs or written pieces of propaganda or unreliable statements, and sometimes even downright falsehoods, with respect to conditions of employment, with respect to the employer, or possibly with respect to a union. We think that in a perfectly business way care should be taken, as far as possible, to see that whoever wants to do that shall identify himself as the party initiating it.

THE CHAIRMAN: There should be no objection to that.

MR. MACLEOD: Is there not a war regulation to the effect that the issuance of any leaflet or pamphlet must contain the name of the party issuing it? A. There may or may not be; but I do know, Mr. MacLeod, from actual experience that the sort of thing this is designed to help to check occurs very, very frequently and, in my opinion, occurs to the detriment of decent and constructive union progress, and to decent employer-employee relations.

"13. That the administrator have access to the premises and relevant records of an employer and of a collective bargaining agency for the purpose of ascertaining a list of the employees and the merits of a claim by a collective bargaining agency to majority representation.

14. That the Courts of the Province may review any administrative proceedings taken under the Act, on the ground that a party or the parties affected thereby have not been accorded a fair hearing, or that the person taking such proceedings acted upon bias or other improper motive, or acted in a manner not authorized by the Act. Further that the administrator of the Act be permitted to refer to such courts any questions which



such administrator considers desirable.

15. That administrative jurisdiction be entrusted to some carefully considered administrator or administrative body with a view to the establishment in this Province of constructive labour relations' jurisprudence upon matters contemplated by the Act.

16. Appropriate penalties, recoverable upon summary conviction, for contravention of the Act, not only by the employer but also by any other person or persons.

17. That notice be given to the administrator of the Act, of any intended prosecution for contravention of the Act, and that there be a suitable 'cooling off period' between the giving of such notice and the actual institution of such prosecution. Further, that an appropriate limitation be placed upon the time within which, after the alleged commission of any contravention of the Act, any prosecution may be instituted for such contravention."

Now, with respect to one or two matters in the brief only, I wish to make one or two short references. In one brief which was filed, I believe by the Steelworkers' union, before this committee the statement was made that there had not been presented to this committee any evidence, and there was not likely to be, of the necessity or desirability of annual elections, or of the filing of financial returns, or of the making available to members of the agency of financial returns.

In that connection, Mr. Chairman, I wish to file as exhibits with this committee certain matters which I think demonstrate clearly the evils which may result. I am not





aware of any such evils in Canada in the trade union movement. However, this committee is being asked now to enact and recommend the enactment of compulsory bargaining legislation, with all that means. That has been done, as you have been told many times, in the United States; and from 1935 to the present time in the United States the organization of employees has proceeded apace; that is common knowledge. Nothing has been said before this committee, and I think it should be said for the information of the committee, about the fact that, as a consequence of the very rapid growth in the United States of organized labour, inevitably certain evils have made their appearance, and have presently made their appearance to such an extent that we find now a wave of reaction in certain parts of the country on the part of state legislatures to try to curb or control certain aspects of trade unionism; and it occurs to me that leaving it for a reactionary period is to invite the pendulum to go too far back against the unions, and that it would be more constructive, at the introduction of such legislation, to see to it that as far as lies in your power the internal management of trade unionism in Canada and in this province be kept clean.

The exhibit I wish to file happens to be the December, 1942 issue of the Reader's Digest. It is filed by reason of an article, which is not long but which I nevertheless do not propose to read, commencing at page 10 of that magazine under the heading:

"The national significance of how 'Local 17' got rid of boss rule and corruption."

If I may be given a moment I would like to refer to one





or two matters in that article by William Hard, who has, through the Reader's Digest throughout the year 1942 particularly, I believe, written numerous articles on various aspects of the development of trade unionism in the United States.

THE CHAIRMAN: Q. What is the meaning of the reference to "Local 17"? A. By that reference is meant Local 17 of the Hod Carriers', Building, and Common Laborers' Union of America. This case is a classic, and has gone into the United States courts. There had been no elections in Local 17 for three and a half years, although the constitution called for annual elections.

Q. Something like a political party's constitution?

A. Yes, exactly; although they did not take the trouble formally to extend their life!

Q. I thought that is what they were doing? A. The rank-and-file members of that local had to petition headquarters in Washington, complaining that they could not get an election, and I would like to read this paragraph:

"But Joseph V. Moreschi, national president, was himself no great enthusiast for elections. He had done much to improve the wages of hod carriers and laborers. That is proved by the U.S. Labor Department statistics. But he was holding his post as president by virtue only of appointment by the Executive Board in 1920. The Hod Carriers' national union - one of the largest and richest in the American Federation of Labor - had held no national convention for the election of national officers since 1911. That was 31 years ago. Mr. Moreschi could not be bothered with rank-and-file members who



wanted an election in their local after only three and a half years. He did nothing about it."

Then there was financial trouble in Local 17. In 1936 the initiation fees had been \$1. Soon the officers raised it to \$2. Then to \$25. Then to \$36. and in 1939 they raised it for the most skilled workers to \$76. They also raised the monthly dues from \$2. to \$2.50.

In 1938, 1939 and 1940, these officers, by their own admission on the witness stand, had taken in \$200,000. In 1940, after court proceedings to compel revelation of the finances, the treasury held \$107.93.

Q. I am surprised at that! I would have thought they would have been in the red by that time. A. Somebody made a little slip and left that \$107.93 in the treasury.

Q. The rank-and-file of Local 17 of the Hod Carriers' Union never could get financial statements from their officers, although the constitution provided for it. These officers persistently refused to give them the statements.

Then another delicious experience occurred in Local 17 and known as "Highballing." In some other aspects, perhaps, that would not be unreasonable, but what is meant by "highballing" so far as union jargon is concerned is where a union is so strong that it is able to make a deal, as it were, with the contractors for whom work is being done, and the contractor proceeds to ignore the laws and rules for the safety of the men. In this case excavation was pushed without the steel arching to protect the men from rock falls, and drilling was pushed before the thick dust which eats out men's lungs had been settled down or





blown away, and dynamite and detonators were sometimes lowered into a tunnel in the same cage as the men, and there were many unnecessary casualties.

As to the attitude of the officers of Local 17, when the men complained the officers told them to complain once more and they would be expelled from the union and thus automatically fired!

Then there were agitators in the ranks of Local 17 who wanted to know about the affairs of their local and wanted to remedy the conditions therein. Evidence was brought forward that when they agitated for these things they were instantly discharged by the contractors who had work being done by the union, and the only satisfaction

they could get from the superintendent on the job when he was asked why they were fired, was: "Because you have been agitating against the officers of the union."! Then if you will bear with me for a moment, - these things I am now mentioning are illustrations of what has actually occurred when there have been no legislative provisions for annual elections and for an audit and an accounting to the members - there was another gentleman in the Hod Carriers' Local 17 named Samuel Nuzzo. He became an officer in 1936 at \$30. a week. He soon worked himself into the position where he was top business agent for the Local with power to hire and fire all other business agents, and with sole power to sign cheques and to okay the union cards of the members before they could get a job.

By the end of the 1930's Mr. Nuzzo had \$125. a week and also occasional \$1000. bonuses. He also had a tavern





and night club with a floor show!

Now, this is rather revealing:

"In the fall of 1937, members of Local 17 were demanding financial statements from their officers so insistently and so loudly that Mr. Nuzzo became alarmed. He wrote to national headquarters and complained that 17's meetings were on their way to being 'near riots.' James Bove, national vice-president, consulted Mr. Moreschi, president. He then, on November 3, wrote to Mr. Nuzzo and issued the following orders.

- "1. There will be no more meetings of Local 17.
2. Seventeen will be run by its officers.

Provided, however:

3. Those officers will do nothing except after approval by Mr. Bove.

And:

4. They will make their financial statements twice a month to Mr. Bove.

"These orders continued in force until self-government was restored to 17 by the courts."

And it cost the members of Local 17 \$17,500. to bring their officers to book because of their abuse of their office, and because of their disregard of the constitution of the union itself.

I would like to file that article as an exhibit because that case has become a classic, <sup>and</sup> because there are very many other instances in the United States of the same kind of thing, but not because I am intimating that that is any fair summary of the conduct of trade unions. I



believe it is not an example of general conduct of trade unions, but I believe this committee, if it decides to bring down compulsory collective bargaining, ought to see to it, by some decent, sane regulations on the subject, that as far as this legislature can provide the same sort of rackets will not be allowed to infest trade unionism in this province.

---EXHIBIT NO. 190: Reader's Digest, issue of December 1942: Reference to article on "American Rights for Union Members" by William Hard, at page 10.

Along the same lines is an article which I happened to notice in the Detroit Free Press of Sunday, March 7, 1943, Part four, headed:

"The Union and its Members."

I file it as an exhibit for this reason only: Detroit, as is acknowledged, is the centre of a great many industries and also a centre of highly organized trade unionism. In these circumstances you even have the public press, in what I submit is a fair and impartial manner, and by no means anti-union, summarizing their considered judgment of some of the evils that have occurred in trade unionism in some parts of the country simply through the lack of reasonable legislative enactments to protect the members of the trade unions.

---EXHIBIT NO. 191: Article entitled "The Union and its Members" by Leo Wolman, appearing in Part four of The Detroit Free Press, issue of Sunday, March 7, 1943.

Gentlemen, in view of the very long hearings that have proceeded before this committee I wish to express my appreciation of your patience in listening to what I have had to say.

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THE HON. PETER HEENAN: After a rather hurried reading of the brief presented by Mr. Aylesworth I see very little objection to it, but I question whether or not a committee of Canadians should have on record all the infamous things that may happen in the United States of America, and whether it should be asked to guard against the same thing in Canada, in view of the fact that Canadian workers are Canadian workers, and not American workers. We might also catalogue instances where bankers and financial men like Whitney and others have been sent to jail, and where the miners and steelworkers were shot down by the government militia at the behest of industrial and financial interests!

MR. AYLESWORTH: Is this a question addressed to me?

THE HON. PETER HEENAN: I object to that material being put on the record, Mr. Chairman.

MR. AYLESWORTH: I am very sorry to have to disagree with anything that my friend, the Minister of Labour says...

HON. MR. HEENAN: That is the rottenest damn thing I have ever seen!

MR. AYLESWORTH: .. for whom I have high regard; but, like the Minister of Labour, I am quite capable of expressing my own opinion. and I think I made it abundantly clear to this committee that I expressed it not at all as an example of general conduct of unions, but as a most outstanding example, of which this committee should be made aware, and of what the possibilities are unless the legislation proceeds along proper lines. I have no apology for doing so.

THE CHAIRMAN: I understood Mr. Aylesworth to say he was putting the example before the committee so that the





committee might be able to include a clause in any collective bargaining bill to protect the employees, because he did not want a revulsion of feeling against the trade union movement as the result of improper practices. I see no objection to it. I do not see any difference between Canadians and Americans. As a matter of fact, there are about 7,000,000 Canadians living in the United States now.

HON. MR. HEENAN: Then I ask that there be put on the record the infamous things done by bankers and industrialists as well as the things done by union officials.

MR. AYLESWORTH: I would be very glad to assist the Hon. Minister of Labour to institute such an enquiry if it happened that legislation was being requested to outlaw trade unionism, but that is exactly the reverse of what this committee is considering. When I suggested compulsory annual elections and compulsory filing of returns, I was careful to say that these evils of which I spoke have not occurred here, but may occur here if care is not taken, in some instances.

THE CHAIRMAN: I do not see why any trade union would object to compulsory annual election of officers.

MR. AYLESWORTH: Mr. Brewin's own trade union has seen fit, and many other trade unions have seen fit, including many A.F. of L. trade unions, to publish their financial statements, and that is constructive. It is the few, and there are a few unfortunately on the side of trade unionism, just as there are a few unfortunately on the side of employers, whose actions have brought about the necessity for this hearing.





THE CHAIRMAN: I understood Mr. Aylesworth to mean that if there had been some compulsion in the Wagner Act to hold annual elections, this famous Hod Carriers' case could not have arisen in the United States because any member of the union could have gone to the court and asked for a mandamus to compel the election of officers in his local union. It was protection<sup>of</sup> the members of unions, not the officials of the unions, that Mr. Aylesworth had in mind, as I understood him.

MR. AYLESWORTH: That is exactly correct, sir.

THE CHAIRMAN: I do not see anything wrong with it. Do any members of the committee see anything wrong with it?

SEVERAL MEMBERS: No.

HON. MR. HEENAN: Many employers' representatives, as the evidence indicates, have appeared before the committee to suggest that there was a necessity for this kind of legislation. You can kill a thing in more ways than by choking it with butter! You can be so damn kind to it that it will not be of any use! There is a gentleman here at this moment who knows that when I tried to introduce a bill for shorter hours, etc., in Ottawa, notwithstanding all the opposition it passed the House of Commons, and when it went to the Senate I was invited to appear before the Senate committee and was asked as to the necessity for this legislation, and I said: "It is to protect most of these men you see around here petitioning against it." Some of them asked how others could live on the revenue they were going to get from a contract, and it was found out that it was by chiselling on the workers' wages and working them longer hours. It was fair to the good contractors



that the bill should pass, and so there were no more questions asked, and the bill was carried. Men who, today, refuse to recognize their employees collectively, are not only chiselling on their workmen but chiselling on the good employers.

THE CHAIRMAN: Is it any worse to have mean, narrow-minded employers chiselling on the workers than to have rogues and rascals stealing the money of the hard-working members of the Hod Carriers' Union?

HON. MR. HEENAN: How many cases have there been in Canada where any union official has stolen money from the workers? Only a very few, and only a very few pennies, at that. Why should we liken our Canadian workmen to those who live and work in some other part of the world? Canadian workers are Britishers, and have not had to go through all the hell and fire and murder they have had to go through in the United States.

THE CHAIRMAN: Mr. Brewin, would you object to compulsory annual election of officers in your union?

MR. BREWIN: In support of what the Minister of Labour has said, Mr. Chairman, we feel that the best results would come from allowing the unions to regulate themselves.

THE CHAIRMAN: But suppose in some local the officers did not hold an annual election, like the Liberal party, who did not have an annual meeting for eleven years, (although no harm was done!) what objection would you have to a provision in a tentative Act requiring the holding of annual elections?

MR. BREWIN: I think it would be wiser to allow the



unions to regulate their own business.

THE CHAIRMAN: What harm would it do to any man in any one of your unions to have a provision in the Act saying that you had to have annual elections?

MR. BREWIN: I think there is an implication there that they cannot run their own affairs.

THE CHAIRMAN: Oh, rot!

MR. BREWIN: As I understand the Minister of Labour, he says if there is an evil, strike at it by legislation, but why legislate until it exists?

THE CHAIRMAN: Mr. Aylesworth is trying to forestall any officials of any union from emulating the officials of "Local 17."

MR. BREWIN: It is a question of judgment whether or not it is better to leave it to the unions to forestall it themselves by their own discipline, rather than to force it on them by legislation.

THE CHAIRMAN: You have a constitution saying there shall be an annual election of officers, and if they fail to hold an annual election, what is wrong with legislation enabling the workers to go to the courts to compel the officers to hold an annual election?

MR. BREWIN: They already have it in their constitution.

THE CHAIRMAN: They had it in the constitution of the Hod Carriers' Union.

MR. BREWIN: Then they could go to the courts.

MR. AYLESWORTH: They did, and it cost them \$17,500.

MR. BREWIN: Then the lawyers charged them too much!  
(Laughter).

MR. AYLESWORTH: No doubt my friend is familiar with







the article, but if he will read it he will find that it took them something like two years to bring the officials of the local to book, and the Court itself commented on the reasonable charges made by the lawyers.

THE CHAIRMAN: The other fellows had been in thirty-one years.

MR. AYLESWORTH: If there are any other questions I shall be glad to answer them, sir; otherwise I do not wish to take up the time of the committee.

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MR. FURLONG: Mr. Chairman, would you prefer to adjourn now and meet a little earlier this afternoon in order to avoid interrupting Mr. Finkelman's presentation?

THE CHAIRMAN: Yes. We shall adjourn now until 1.30 o'clock this afternoon.

---Whereupon the committee adjourned at 12.07 o'clock p.m. until 1.30 o'clock p.m.

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(Page 1652 follows)



THURSDAY, MARCH 18th, 1943.

AFTERNOON SESSION.

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--- On resuming at 1.30 p.m.

THE CHAIRMAN: All right gentlemen, will you please come to order?

What have we this afternoon, Mr. Furlong?

MR. FURLONG: We have Prof. Finkelman with his briefs dealing with the law, and so on, which briefs he desires to file.

PROF. FINKELMAN: I am not going to read them, Mr. Chairman, and members of the committee, but I propose they be included in the record and that I be examined on them.

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BRIEF SUBMITTED BY PROF. FINKELMAN.

ANALYSIS OF LEGISLATION  
RELATING TO COLLECTIVE  
BARGAINING IN THE COMMON  
LAW PROVINCES OF CANADA.

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NOTE: This memorandum deals only incidentally with the principles of the common law and with employers' organizations. It does not deal with provincial Industrial Disputes Investigation Acts which place within federal jurisdiction industries that would otherwise come within the provincial sphere. The machinery set up by the various statutes for dealing with industrial disputes is examined only for the purpose of ascertaining how far it is of value in making collective bargaining effective.



An attempt has been made to analyze these statutes in such a way as to cast light on the manner in which the common-law provinces of Canada have dealt with problems of collective bargaining that have been discussed in submissions presented to this Committee.

The statutes analyzed are the following:

- Nova Scotia: Trade Union Act;
- Nova Scotia: Coal Mines Regulation Act;
- New Brunswick: Labour and Industrial Relations Act;
- Manitoba: Strikes and Lockouts Prevention Act;
- Saskatchewan: Freedom of Trade Union Association Act;
- Alberta: Industrial Conciliation and Arbitration Act;
- British Columbia: Trade-Unions Act;
- British Columbia: Industrial Conciliation and Arbitration Act.

The discussion has been arranged under nineteen heads:

- ✓ (i) the entities to which the legislation applies;
- ✓ (ii) the right to organize;
- (iii) the "yellow dog" contract;
- ✓ (iv) the right of the employer to discharge for proper and sufficient cause;
- ✓ (v) "company unions";
- ✓ (vi) the right to bargain collectively;
- (vii) the bargaining unit and the bargaining agency;



- ✓ (viii) extent of duty to bargain;
- (ix) enforceability of collective bargaining;
- (x) machinery for interpreting collective agreements;
- ✓ (xi) union recognition;
- (xii) the "closed shop";
- (xiii) the "check off";
- (xiv) the right to strike or declare a lockout;
- (xv) registration;
- (xvi) immunity from suit;
- (xvii) filing of financial statements;
- (xviii) reports to members;
- (xix) administration.

(1) The entities to which the legislation applies:

A variety of collective bargaining entities are accorded recognition in the several Acts - in Nova Scotia and Saskatchewan, trade unions; in New Brunswick, Manitoba and British Columbia, both trade unions and organizations of employees; in Alberta, organizations, trade unions and negotiating committees. In Nova Scotia, New Brunswick and Saskatchewan, the acts apply only to trade unions formed for the purpose of advancing in a lawful manner the interests of their members. If the term "lawful" is intended to exclude organizations pursuing criminal ends there can be no valid objection to the definition. If, however, the courts read into these statutes the doctrine of restraint of trade, most trade unions would be barred from obtaining any benefits. The draftsmanship here is faulty in that it leaves the way open to a construction of the statutes which undoubtedly was not intended.





InnSaskatchewan, the trade union to which the Act applies must be free from undue influence, domination, restraint or interference by employers. In<sup>the</sup>/other provinces, the same objective is achieved in a different fashion. In New Brunswick, Manitoba, Alberta and British Columbia, employment in domestic service and in agriculture is excluded from the operation of the legislation. Nova Scotia and New Brunswick excludes officers, officials or persons employed in a confidential capacity. New Brunswick also excludes persons employed by or under the Crown. Alberta expressly declares that the Act covers the relations between teachers and school boards. In all the provinces except Manitoba, the Act applies to every employer employing one or more persons; in Manitoba, the minimum is ten.

(ii) The right to organize: Nova Scotia and Saskatchewan declare that it shall be lawful for employees to form themselves into a trade union and to join the same when formed. New Brunswick, Manitoba, Alberta and British Columbia declare that the right of employers and employees to organize for any lawful purpose is recognized. In connection with the latter group of provinces if the use of the word "lawful" in this provision brings into operation the restraint of trade doctrine, the declaration is of little value for trade unions generally. However that may be, the declaration standing by itself has no legal effect in any event. In legal theory, everyone is and always has been free to organize or to join a trade union so long as he does not violate the law. The difficulty is that in some cases



the theory does not accord with the facts and, although a person may have the abstract right to join a trade union, in practice the influences which may be brought to bear upon him so that he will refrain from exercising his right not only destroy that right but even go so far as to make it an offence, subject to a severe economic sanction, for him to attempt to exercise it. In such circumstances, a mere declaration that the right exists or is recognized has little significance. In so far as such a declaration is intended to operate on the mind of the right thinking citizen, it is superfluous; in so far as it is designed to curb the excesses of the unscrupulous employer, at whom it is of course directed, it is futile. Consequently, if legislation ensuring the right of employees to organize is to be a reality, such a declaration must be coupled with a sanction which will prevent an employer from engaging in practices that interfere with the exercise of the right. Accordingly, every one of the statutes under discussion contains a clause forbidding certain types of conduct, often referred to as unfair labour practices.

The Nova Scotia provision reads as follows: "any employer ....., which shall by intimidation, threat or loss of position or employment or by actual loss of position or employment, or by threatening or imposing any pecuniary penalty, prevent or attempt to prevent, an employee from joining or belonging to a trade union, "is liable to a penalty". The provisions in the statutes of the other provinces are variations upon this theme. In New Brunswick, Manitoba, Saskatchewan, Alberta and British Columbia it is



also an offence for any person to engage in the prohibited practice for the purpose of compelling a person to join a union. These provisions cover two situations:

(a) endeavours by members of a trade union to compel a non-member to join the trade union; (b) endeavours by an employer to compel an employee to join a company union

In Alberta and British Columbia, it is an offence to engage in the prohibited practices for the purpose of compelling a person to refrain from becoming an officer of any association and, in Alberta, to refrain from attending any meeting of employees for the purpose of discussing grievances, or appointing a trade union or a negotiating committee to carry on collective bargaining, or to refrain from acting as a representative to carry on collective bargaining.

The terms "intimidation" and "threat" raise certain problems. In the past, the courts have at times looked upon any intimation of unpleasant consequences, creating fear or serious embarrassment in the mind of a person as constituting a threat to or intimidation of that person. On the other hand, more recent cases have held that in order to constitute intimidation there must be violence or threats of violence such as would justify a person being bound over to keep the peace. In fact, the New Brunswick Act defines intimidation as meaning "to cause in the mind of any person a reasonable apprehension of physical injury to him or to any member of his family or to any of his dependents, or of violence or injury to any person or property". The provisions referred to above would seem to conflict with section 501 of the Criminal Code, which declares that it





is an offence for anyone wrongfully and without lawful authority to intimidate any person or his wife or children by threats of using violence to him or her or any of them, or of injuring his property with a view to compel such person to act in a manner contrary to his wishes. It is submitted, therefore, that these provisions are ultra vires of the provinces and that the right to organize if it is to be effectively protected by provincial legislation must be dealt with in some fashion other than the one presently employed in the legislation of the various provinces. The stress will have to be laid on the protective feature of the law rather than upon its penal quality. This is not to say that it would be impossible for the province to impose a penalty. However, the penalty would have to attach clearly to interference with the right to organize rather than to intimidation.

In New Brunswick, Manitoba, Alberta and British Columbia an attempt has been made to provide further protection for the right to organize. The statutes of these provinces define "dispute" so as to include a dispute or difference relating to the employment of any person or class of persons, or the dismissal of or refusal to employ any particular person or class of persons, as well as claims relating to the giving of preference of employment to persons who are or are not members of a labour organization. Consequently, discriminatory practices against members of a trade union could be made the subject matter of a dispute which might be referred to conciliation and arbitration under the statutes of the respective provinces mentioned,



if the members of the union wished to take issue with the employer's conduct.

A conciliation commissioner or board of arbitration, as the case may be, might be powerless to give adequate protection to a worker against whom an employer had discriminated unless he or it had authority to recommend the reinstatement of an employee improperly dismissed. While the statutes do not confer such power in express terms, Manitoba, for example, deals with the situation by declaring that no employee shall cease to be such within the meaning and for the purposes of the Act, (a) in the case of a lockout or strike; or (b) in the case of a dismissal where an application for the appointment of a conciliation commissioner is made within fifteen days after dismissal. Alberta and British Columbia have similar provisions.

In Alberta, it is lawful for the majority of the employees attending a meeting for the purpose of choosing a negotiating committee to prevent the attendance at such meeting of any persons whose attendance the majority does not desire. This clause is probably designed to prevent the attendance at such a meeting of what is known as a "company spy".

(iii) "Yellow dog" contracts: A "Yellow dog" contract is an employment contract, whether written or parol, whereby an employer binds himself not to join a trade union or not to participate in the customary activities of trade unions. Although there is no authoritative decision on the point in Great Britain or in Canada, there are grounds for believing that such a contract may be unlawful at common law



as being in restraint of trade. However that may be, the vice of the "yellow dog" contract is twofold. In the first place it may place a restraint upon the exercise of the right to join a union by an employee who is not aware that it may lack legal validity and who is, in any event, unable to litigate the issue in the courts. In the second place, in a case decided by the Ontario courts in 1936, an interlocutory injunction was issued against employees who broke such a contract, thus seriously hampering their efforts to bargain collectively with their employer.

The anti-social nature of such contracts has been expressly recognized in Nova Scotia, New Brunswick, Saskatchewan, Alberta and British Columbia. In all these provinces, it is unlawful for an employer to attach to an employment contract a condition seeking to restrain an employee from exercising his rights under the Act. In addition, the Acts of these provinces declare that a clause in an employment contract containing such provisions is null and void and of no effect. There is no express statement in any of the statutes that an employer who exacts such a contract from his employee is subject to a penalty, but, in New Brunswick, Alberta and British Columbia, there are general penalty sections which may apply to this situation. On the other hand, the fact that the respective provisions make the prohibited clauses null and void may mean that no other remedy is available. If the contract is entered into under compulsion of the sort previously described, that is to say if the conduct of the employer was of a coercive nature, he will have been guilty of an offence under the anti-intimidation sections



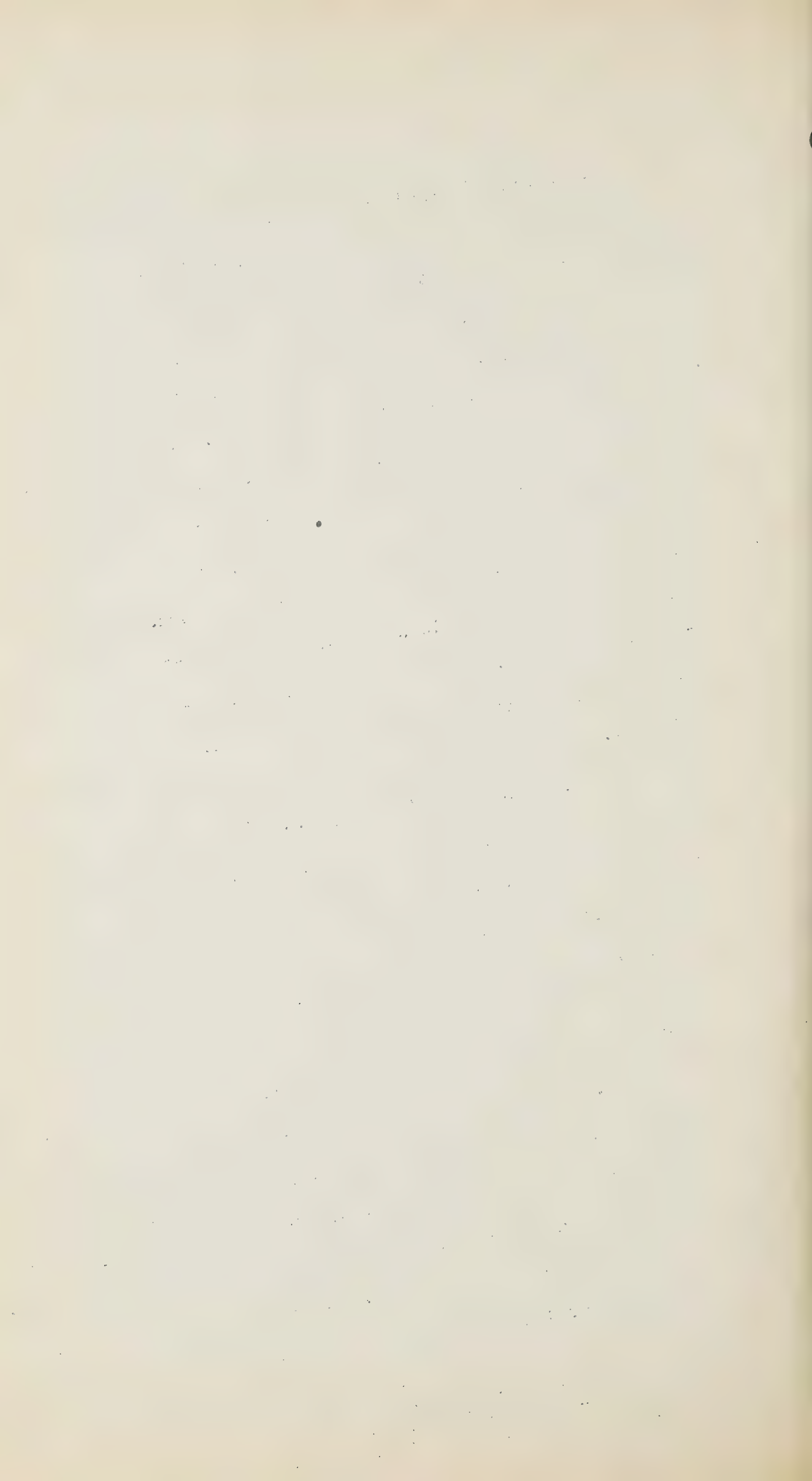


of the various statutes.

(iv) Right of employer to discharge for proper and sufficient cause: Nova Scotia, New Brunswick, Saskatchewan Alberta and British Columbia preserve the right of the employer to suspend, transfer, lay off or discharge any employee for proper and sufficient cause. Union activity and participation in collective bargaining would not, of course, constitute proper and sufficient cause. If the union believes that an employee has been discharged for improper cause, recourse may be had to the courts under the anti-intimidation provisions of the respective statutes. As an alternative, the matter may, in New Brunswick, Alberta and British Columbia, but not in Nova Scotia or Saskatchewan, be referred to conciliation and arbitration under the appropriate provisions.

(v) "Company unions": The term "company union" is not a term of art; it is a term of convenience, and in any given case it has the significance which the user wishes to attach to it. Trade unions characterize as a "company union" any organization which an employer foists upon his employees by coercion or through some subtle form of bribery which deprives them of their right to exercise a free choice in the matter. Coercion usually takes the form of a threat of dismissal or of a refusal to employ unless a person joins the organization designated by the employer. Bribery may take various forms, ranging from wage increases to promotions or other preferments. Some question has been raised as to whether an employer who pays an employee for time devoted to union business might be regarded as fostering a "company union". If one may judge from the evidence submitted to this Committee by the trade unions, it would seem that, if the benefits conferred by the





employer are designed to influence the employees' choice of a bargaining agency, they come within the vice of company unionism; otherwise they are not regarded as objectionable. To say that membership is an organization of the sort described above constitutes the exercise of the right to join a trade union is a contradiction in terms, because such an institution is to all intents and purposes the alter ego of the employer. If the employer enters into a collective labour agreement with such an entity, the unions maintain that he is in fact bargaining with himself so that there arises a conflict between a duty, which he has assumed as spokesman for his employees, and his own personal interest, which conflict must all too frequently end in his yielding to his personal interest. On the other hand, the fear has been expressed by some witnesses that legislation along the lines suggested by the trade unions may destroy collective bargaining agencies, freely and voluntarily chosen by the employees, which do not happen to be affiliated with one or other of the major labour organizations. An examination of the provincial statute discloses that none of them outlaws any organization which is the free and voluntary choice of the employees concerned; they do, however, in many ways seek to prevent employers from dominating employees' organizations.

In Nova Scotia, New Brunswick and Manitoba, "company unions" are dealt with indirectly by prohibiting certain types of employer interference with free organization, e.g., by intimidation, threat of dismissal, or refusal to employ. In Saskatchewan, "trade union" is defined in



part as an organization of employees which is free from undue influence, domination, restraint or interference by employers. This definition is aimed at "company unions", but the only effect of the definition, read together with other sections of the Act, would be to safeguard an employer from being prosecuted for interfering with an employee's right to join a "company union", a highly unlikely eventuality. Beyond this provision, company unionism is dealt with in the same way in Saskatchewan as in Nova Scotia, New Brunswick and Manitoba. In Alberta, "company unions" are also covered by what might, for convenience, be referred to as the anti-intimidation section. In addition, there are two other ways in which disabilities may be imposed on "company unions" in Alberta. The first is probably only of academic interest - an employer who refused to bargain collectively with a "company union" would not be liable to prosecution. The second is a rather ingenious provision. Industrial disputes may be referred to conciliation and arbitration at the request of either party to the dispute and, until the conciliation machinery has been exhausted, no strike or lockout may take place. However, if an agreement between an employer and employees providing for the arbitration of disputes has been approved in writing by the Minister, the parties are, during the lifetime of the agreement, exempt from the provisions of the Act relating to conciliation. Presumably, the Minister would not accord this privilege to an organization which he suspected of being a "company union". The legislation of British Columbia is in similar terms.



(vi) The right to bargain collectively: There is no law which prohibits collective bargaining between employers and employees. Consequently, it is and, except between 1799 and 1800,,always has been lawful for employers and employees to bargain collectively. However, it may be necessary to accord legislative support to the persons who exercise this right if the right is to be effective and real. A mere declaration of the right to bargain collectively may be of some value in itself because of its psychological effect; but in the absence of a sanction it will do little to circumvent the practices of recalcitrant employers. In Saskatchewan, the Act declares that it shall be lawful for employees to bargain collectively with their employer and for members of a trade union to conduct such bargaining through the duly chosen officers of the trade union, but not penalty is imposed upon an employer who refuses so to bargain. In New Brunswick, there is a declaration of the right of employees to bargain collectively through their duly elected representatives or through the duly chosen officers of the organizations to which the employees belong. It is not an offence for employers to refuse to bargain, but such refusal may be made the subject matter of a dispute to be referred for conciliation. In Nova Scotia, the declaration of the right covers trade unions and the duly chosen officers of such trade unions, the latter term being defined so as to cover any association of employees. Failure of an employer to bargain on request subjects the employer to a penalty. In Manitoba, the right is accorded to employees to bargain through their organizations or representatives if the representatives are British subjects. Collective bargaining is defined as "the negotiation carried on between representatives of employees and employer for the purpose of making an agreement."







in respect of wages, hours of employment or other conditions of employment". A rather cryptic penalty section probably covers the refusal to bargain collectively. Such refusal may also be made the subject matter of a dispute to be dealt with by the conciliation machinery. In Alberta, the Act declares that it shall be lawful for employees to bargain collectively with their employers, and to conduct such bargaining through a negotiating committee or a trade union duly appointed by a majority vote of the employees affected. Refusal to bargain is covered by a penalty. It is also an offence for any person by intimidation and so on to seek to compel any other person to refrain from attending any meeting of employees held for the purpose of discussing grievances or appointing a trade union or a negotiating committee to carry on collective bargaining. Immediately after the holding of such a meeting, information concerning the meeting must be filed with the Minister. Failure to file this information would be a bar to prosecution of an employer for refusal to bargain and would also prevent a union or negotiating committee from invoking the conciliation provisions of the Act. In British Columbia, there is also a declaratory section, supported by a penalty in case an employer refuses to bargain. If the majority of the employees were at the date of the coming into operation of the Act organized in a trade union, the bargaining may be carried on through the officers of the trade union; otherwise the bargaining is to be conducted through duly elected representatives of the employees affected.



(vii) The bargaining unit and the bargaining agency:

If an obligation is imposed on an employer to bargain collectively with his employees, it is necessary to determine what unit of his employees shall have the right to require him to bargain. There is no difficulty in establishing the bargaining unit where an employer has one plant and the representatives of the employees act for all the employees. However, there are many organizational variations with which to contend. For example, an employer may operate more than one plant, and the question arises as to whether a bargaining unit shall consist of one plant or several plants or all the plants. Again, the members of a craft within a plant may claim that their interests are separate and divergent from those of the other employees and that an employer should bargain with them as <sup>a</sup> distinct unit. The great variety of forms of industrial organizations raises problems which may be dealt with in one of two ways, either by expressly defining in the legislation itself the bargaining units to which the Act shall apply, or by leaving a considerable degree of discretion to an administrator who is charged with the task of determining in any given case, on the facts of the case, what the natural and efficient scheme of organization may be.

In Alberta alone has any serious attempt been made to deal with the problem of the bargaining unit. The statute recognizes a unit consisting of a class or category of employees in addition to the larger unit consisting of all the employees of an employer. In British Columbia,



the Acts refers to the employees in any separate plant or department as well as all the employees, and, in New Brunswick, mention is made of all employees of an employer, the employees in any separate plant or department, or the employees belonging to a particular craft. However, the definition of the bargaining unit has less significance in New Brunswick and in British Columbia than it has in Alberta. In Alberta, refusal to bargain with the representatives of the employees who constitute the unit is an offence, whereas in New Brunswick and British Columbia, as in Manitoba, the importance of the bargaining unit is chiefly in connection with an application by employees to the Minister to put into operation the conciliation machinery provided for under the several Acts. In Nova Scotia, if the statute is to be interpreted literally, the industrial unit would have to be given preference over the craft unit if there was a conflict of interest between them. It may be doubted whether the draftsman anticipated such a result. Saskatchewan makes no provision on this point.

The definition of the bargaining unit is only the first step in the process. When the principle of what shall be the bargaining unit has been established, it is necessary to apply that principle in particular cases in order to ascertain whether the persons who are requesting bargaining rights constitute an appropriate unit within the principle. In Nova Scotia, Manitoba, Alberta and British Columbia, this question may fall for determination by the courts, since in these provinces an employer who refuses to bargain collectively is subject to a penalty and the plea of an employer in answer to a charge might





be that the employees who had requested him to bargain did not constitute an appropriate bargaining unit. This could not occur in New Brunswick, because in that province no penalty is attached to the refusal to bargain. On the other hand, as we have already pointed out, in New Brunswick as well as in Manitoba, Alberta and British Columbia, the bargaining unit may have to be determined by the Minister upon application being made to him for the appointment of a conciliation commissioner or board of arbitration. In these provinces also the conciliation machinery may in its suggestions for adjustment of the dispute make recommendations with regard to the appropriate bargaining unit. However, such a recommendation in the ultimate analysis has no binding effect and may be rejected by the parties. In these provinces in which the courts, the Minister, and the conciliation machinery, all have jurisdiction to deal with the bargaining unit there is always the possibility that conflicting decisions might be rendered. It is of the utmost importance that such a state of affairs should not be permitted to occur under any legislation which this Committee may see fit to recommend.

Having determined the unit of employees with which the employer may be required to bargain it becomes necessary to ascertain who shall represent and speak for the employees of that unit and how the representatives shall be chosen. In Nova Scotia, the bargaining agency is the trade union or organization of employees representing the majority choice of the employees eligible for membership. In New Brunswick, the bargaining agency consists of the





representatives of the employees duly elected by a majority vote of the employees affected or the duly chosen officers of the organizations to which the majority of such employees belong. The bargaining agent or agents in Manitoba may be an organization of employees, a trade union to which the majority of the employees concerned belong, or the ~~representatives~~ of such an organization or trade union if such representatives are British subjects. In Saskatchewan, where a union exists, the duly chosen officers of the union are the agents; in other cases it is the aggregation of employees. In Alberta, a negotiating committee or trade union, duly appointed by a majority vote of the employees affected or by a majority vote of any class or category of employees affected, may bargain. In British Columbia, the spokesman for the employees are the officers of a trade union if the majority of the members were organized in a trade union at the date when the Act came into effect, and in all other cases the representatives of the employees duly elected by a majority vote of the employees affected.

Except in Alberta, it would seem that the vote for ascertaining the representatives of the employees may be taken in the first instance by the employees themselves, without any government supervision. In the case of Alberta, the Act provides as follows:-

Immediately after the holding of any meeting held for the purpose of appointing a trade union or negotiating committee to carry on collective bargaining, the chairman of such meeting shall proceed to make and deliver to the Minister a statutory declaration setting



one -

- (a) the name of the employer;
- (b) the place at which the employees are employed;
- (c) the total number of employees in the class or category affected by the appointment;
- (d) the number of such employees attending the meeting;
- (e) the names, titles and addresses of the officers of the trade union, or the names and addresses of members of the negotiating committee, as the case may be;
- (f) the total number of votes cast in favour of the trade union appointed if a trade union is appointed, or the total number of votes cast for each member of the negotiating committee if a negotiating committee is appointed.

If default is made by the chairman in filing such a statement, any person present at the meeting may make and deliver the declaration. Although omission to comply with the foregoing provisions does not constitute an offence under the Act, nevertheless no appointment of a trade union or negotiating committee has any effect until they have been complied with.

If any question arises as to the accuracy of a vote, the matter could be dealt with in New Brunswick, Manitoba, Alberta and British Columbia by the conciliation machinery which exists in those provinces. In addition, in Nova Scotia, Manitoba, Alberta and British Columbia, the courts might be called upon to determine the issue in the case of



the prosecution of an employer for refusal to bargain.

In all cases where the representatives are chosen by some sort of vote, i.e., in all the provinces except Saskatchewan, all the employees concerned, whether members of the union or not, are entitled to vote and the majority principle governs. These statutes would also seem to confer exclusive bargaining rights upon the bargaining agency.

(viii) Extent of duty to bargain: The extent of the duty to bargain is nowhere clearly defined. Only in Manitoba is there even a definition of what collective bargaining entails. The definition reads as follows: "collective bargaining means the negotiation carried on between representatives of employees and employer for the purpose of making an agreement in respect of wages, hours of employment, or other conditions of employment". This language would seem to indicate that collective bargaining covers the negotiation of an agreement and does not necessarily extend to the conclusion of an agreement. In the other provinces, the scope of the obligation is left in doubt and would be a matter for the courts on a charge of refusal to bargain. It is highly improbable that the courts would carry the obligation beyond bargaining in good faith. There is also further evidence in New Brunswick, Manitoba, Alberta and British Columbia, that the obligation is limited to compulsory negotiation and does not go to the extent of requiring the conclusion of an agreement where the parties are honestly unable to see eye to eye. In those provinces, conciliation machinery is provided to mediate disputes and the recommendations of a board of







arbitration set up under the respective Acts may be rejected by the parties after such recommendations have been submitted to a vote of the parties by secret ballot.

(ix) Enforceability of collective agreements:

In the absence of a statute declaring that collective agreements shall be legally binding upon the parties, no court in Canada can, in view of the decisions of the Judicial Committee of the Privy Council, entertain an action to enforce such an agreement. Save in Manitoba, collective agreements are unenforceable in the common law provinces of Canada. In Manitoba, while the same principle applies to most collective agreements, there are two exceptions. If the parties to a dispute agree in writing, at any time before a board of conciliation and investigation has made its report and recommendation, to be bound by such recommendation, the agreement constitutes a binding submission to arbitration, and the award of the board may be enforced by the courts. A similar result follows in Manitoba where the parties arrive at a settlement during the course of the reference of a dispute to a board and a memorandum of the settlement is signed by the parties who agree to be bound thereby.

(x) Machinery for interpreting collective agreements:

Since a question may arise as to the application or interpretation of a collective agreement and resort cannot be had to the courts in such a case, it may be necessary to establish some other tribunal to which issues between the parties may be referred for adjudication. The parties to collective agreements frequently include therein an



arbitration clause providing that disputes which cannot be adjusted by negotiation shall be referred to arbitration. In New Brunswick, Alberta and British Columbia, the legislation encourages the parties to include an arbitration clause in their agreements by granting them in return exemption from the conciliation provisions of the respective statutes. In Alberta and British Columbia, approval in writing by the Minister is a condition precedent to such exemption being granted. If a collective agreement in any of the last mentioned three provinces does not contain an arbitration clause, any dispute relating to its interpretation may be referred to conciliation and arbitration. A similar remedy is also available in Manitoba. Nova Scotia and New Brunswick make no provision for such an eventuality.

(xi) Union recognition: The requirement that an employer must bargain collectively with his employees implies a measure of recognition of the organization chosen by the employees. However, employers have often refused to acknowledge that they are in fact dealing with a trade union by insisting that they will negotiate only with a committee of their employees. Nova Scotia seeks to avoid difficulty on this score by declaring that "every employer shall recognize .... the members of a trade union representing the majority choice of the employees eligible for membership". Failure to recognize a trade union subjects an employer to prosecution. No similar provision appears in the legislation of the other provinces.



(xii) The "closed shop": The "closed shop" is a term which signifies that an employer has entered into a collective agreement with a trade union providing that his employees shall be members of that union. The term covers several types of organization. An employer may agree that he will hire only persons who are members of the union, or that any person whom he hires will join the union within a specified period. Since the beginning of the war a variation of the "closed shop" provision, known as the union membership maintenance clause, has appeared in many collective agreements in the United States and it is coming into use in Canada. The membership maintenance clause specifies that a person who is a member of the trade union at the time of the signing of the agreement is to maintain his membership in the union for the duration of the war. There is no provision in any of the statutes under discussion which compels an employer to concede a "closed shop" to his employees. However, since all the statutes contain an anti-intimidation clause which may lend itself to an interpretation making it an offence for an employer to enter into a "closed shop" agreement, some protection must be accorded to an employer who does conclude such a contract. Protection along these lines is provided in New Brunswick, Saskatchewan, Alberta and British Columbia. The statutes of Nova Scotia and Manitoba are silent on this score.

(xiii) The "check-off": An employer is said to "check off" union dues when he deducts them from the wages payable to his employees and transmits them to the officials of the union. In Nova Scotia alone is provision made for





the check off. The section reads as follows:

12. In any industry in which by statute or by arrangement between employer and employees deductions are made from the wages of employees for benefit societies, hospital charges, or the like, deductions shall be made by the employer from the wages of the employees for periodical payments to a trade union of employees,

- (a) if the officers of such trade union thereunto duly authorized by its members make application to the Minister of Labour for the taking of a vote to ascertain the wishes of the employees of such industry in respect of such deductions; and
- (b) if, upon a vote taken by ballot at times and under conditions fixed by the Minister of Labour, a majority of the employees of such industry vote in favour of the making of such deductions; and
- (c) if the individual employee being a member of such trade union makes to the employer a signed written request that such deductions be made from the wages due to him therein indicating the name of the person to whom such deductions shall be paid.

Under the Coal Mines Regulation Act of Nova Scotia, union dues may be checked off the wages of employees in or about mines without the necessity of a vote, upon the written request of any employee.





(xiv) The right to strike or declare a lockout:

In Manitoba, Alberta and Saskatchewan, if a dispute arises between an employer and his employees, either of the parties to the dispute may ask the Minister to put the conciliation machinery into operation. If such an application is made, strikes and lockouts are prohibited under penalty until the board of arbitration has reported and a vote of the employees by secret ballot upon the recommendations of the board has been taken. In Manitoba, no strike or lock-out may take place where the parties have agreed in writing to be bound by the award of the board or where the parties have signed a memorandum of settlement of the dispute and have agreed to be bound thereby. In New Brunswick, reference to a board of conciliation is compulsory except where there is an agreement providing for arbitration and the procedure laid down by such agreement is observed. The parties may reject the recommendations of the board of conciliation on a vote by secret ballot. In the case of a dispute as to wages, the matter must be referred to the Fair Wage Board and an order must be made by that authority before a strike or lockout may legally take place. Once the "cooling off" period has expired, the parties have the same right to strike or to declare a lockout as they have at common law. In New Brunswick, it is an offence for an employer or any other person by coercion to seek to induce or compel any person to work or abstain from working or seeking employment.. The comments made earlier, with regard to the validity of an anti-intimidation provision in connection with the right to organize, are equally



applicable here. The statutes of Nova Scotia and Saskatchewan are silent on the question of the right to strike or declare a lockout.

(xv) Registration: None of the provinces provide for the registration of trade unions. On the other hand, all of them except Manitoba require the filing of a copy, duly certified by the proper officers, of the constitution, rules and by-laws or other documents which contain a full and complete statement of the objects and purposes of the union. In addition, Saskatchewan, Alberta and British Columbia require the filing of an annual statement setting forth the names and addresses of the officers. In New Brunswick, this statement must be filed when requested by the Minister. In Saskatchewan, a statement of the number of members must also be filed annually. In Alberta and British Columbia, the information filed is to be used only for the purposes of the Act and it is not open to inspection by the public.

(xvi) Immunity from suit: As a noted writer has pointed out, "Trade Unions are by their nature organizations having very mixed yet related objects. They are benevolent societies for their members, and at the same time mercantile bodies acting as labour cartels, 'central selling agencies' for the labour of their members. They have business objects and propagandist objects; they belong to no simple type. Hence the difficulty of making them conform to any specific category of associations and the difficulty of framing a satisfactory legal status".

A royal Commission appointed in Great Britain in 1867 to inquire into the status of trade unions was concerned with this issue and the minority report of this Commission, upon



which the Trade Union Act of 1871 was based, sets forth the following conclusion:

A very serious question arises here as to whether legislation of a ~~far more~~ comprehensive character is not needed to place trades unions on a full legal footing; whether, in fact, a complete statute should not be enacted, analogous to the provisions of the Friendly Societies Acts and the Joint Stock Companies Acts, and the like, by means of which uniform rules would be framed for the formation, management and dissolution of these associations; and by which they should be enabled to sue and to be sued by their members, to recover from members their contributions or fines, and be made liable to members for the benefits assured. We are inclined to believe that the time has not yet come, if it ever comes, for any such statute ... We are far from seeing any certainty that such an Act is even ultimately desirable. Trades unions are essentially clubs and not trading companies, and we think that the degree of regulation possible in the case of the latter is not possible in the case of the former. All questions of crime apart, the objects at which they aim, the rights which they claim, and the liabilities which they incur, are for the most part, it seems to us, such as courts of law should neither enforce, nor modify, nor annul. They should rest entirely on consent. We think the right course is, that they should be left to that spontaneous activity which produced them, and that the State cannot with policy interfere to give them a permanent or systematic





character. They differ, however, from clubs in the fact that from their quasi-mercantile character, and the sphere of their operations, they suffer severely from the want of bare legal recognition. The Trades Union Act of 1871 was designed to give them a qualified status.

At the time the Act of 1871 was passed there was seemingly no idea in anyone's mind that registered Trade Unions were being given a corporate status except to the extent made obvious in that enactment. The liability of voluntary associations in tort was at that time quite undefined, and certainly no one thought of saddling Trade Unions, even registered Unions, with the same liabilities, in this respect, as corporations. To apply the ordinary law of agency to bodies with the peculiar mixture of functions and the comparatively loose organization of Trade Unions would in any case be a matter of the utmost difficulty necessitating a complete recasting of Trade Union machinery and constitutions. In 1901, however, the Courts decided that the Amalgamated Society of Railway Servants, a registered Union, was liable for tortious acts committed during a dispute with the Taff Vale Railway Company by officials of the Union acting within the scope of their employment ... and the Union had to pay heavy damages. The Law Lords held that the statutes which conferred certain privileges on registered Unions thereby implied the corresponding obligations ... There is little doubt that the parliament which passed the Act of 1871 had no such



intention in mind, but deliberately stopped short of conferring full corporate privileges and liabilities (Milne-Bailey, Trade Unions and the State).

The effect of the Taff Vale Case was finally overcome by the Trade Disputes Act of 1906 which declared that "an action against a trade union ... or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious Act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any Court". Thus, the Act of 1906 in Great Britain not only conferred upon trade unions immunity from suit for wrongs committed by them, but it also made it impossible for a litigant to sue the officers and members of a trade union in a personal or representative action for torts alleged to have been committed by or on behalf of the trade union. In addition, the members of trade unions were protected even against personal responsibility in certain instances. Thus section 1 of this Act declares that "an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable, and section 3 declares that an act done by a person in contemplation or furtherance of a trade dispute is not actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills". In view of these provisions, the member



of trade unions are protected against civil liability in respect of most of the acts which may be committed by them in the course of a peaceful strike.

Trade unions in Canada fear that any form of registration may subject them to liability in the same way that liability was imposed on trade unions in Great Britain under the Trade Union Act of 1871. This is the chief ground for their objection to legislation which requires unions to register. As a matter of fact, as we have seen, none of the statutes in the common law provinces of Canada at the present time require registration. Nevertheless, even the filing of documents might conceivably be treated by the courts as equivalent to registration and as conferring upon the unions a quasi-corporate status. In British Columbia alone is there any legislation safeguarding the trade unions in this respect. The relevant provision is contained in the Trade-union Act of that province.

(xvii) Filing of financial statements: In Nova Scotia, trade unions are required to file annually a general statement of their receipts and expenditures and such further information as the Provincial Secretary may require from time to time. New Brunswick calls for a statement of receipts and expenditures to be filed when required by the Minister. In Alberta, an organization of employees, when so required by the Minister, must file a general statement of its receipts and expenditures, but this statement may be used only by the Minister and his Department for the purpose of compiling and publishing statistical summaries. No such summary may set out





particulars in a way that will identify any organization. Any government employee who discloses information of this nature or allows anyone to have access thereto is liable to prosecution.

(xviii) Reports to members: In Nova Scotia, the Act provides that the secretary or treasurer shall give to each member on request a copy of the annual returns made to the government by the union. In New Brunswick, each organization is required to permit its members, upon application to the secretary or treasurer, to inspect the financial records of the organization and the members are entitled to take copies of the records free of charge. In both provinces, treasurers of trade unions must render to the members an account of receipts and expenditures properly audited at such times as the by-laws of the organization may provide.

(xix) Administration: In all the provinces, the prosecution of offences is a matter which is dealt with by the courts. In the course of<sup>a</sup> prosecution, the court may be called upon to interpret the various sections of the Act. Consequently, the courts would have power to determine whether an employer or any other person has engaged in unfair labour practices involving unlawful interference with the right to organize, whether the employer has bargained collectively within the meaning of the various Acts (except in New Brunswick), what is the bargaining unit and what are the bargaining agencies. In New Brunswick, Manitoba, Alberta and British Columbia, the Minister has power to deal with the bargaining unit and the bargaining agency upon an application being made to





him for the appointment of a board of conciliation.

In Alberta and British Columbia, the Minister also has some jurisdiction in regard to "company unions" by virtue of his authority to exempt from the conciliation provisions of the statutes employers and employees whose relations are governed by collective agreements embodying arbitration clauses. In New Brunswick, Manitoba, Alberta and British Columbia, all issues involved in collective bargaining may also be dealt with by the conciliation machinery, although as we have already seen the decision of a board of conciliation or arbitration does not settle any matter finally if either of the parties refuses to accept its recommendations.

Laws are often meaningless if considered apart from the administration of justice. This is particularly so in the case of legislation such as that which we have been discussing. The issues which arise out of collective bargaining are peculiarly unsuited for adjudication by the courts because they involve a knowledge of industrial organization and industrial practices foreign to the judges and magistrates' experience. In the vast majority of the jurisdictions in which collective bargaining legislation has been introduced, whether such legislation provides for compulsory bargaining or only for the establishment of conciliation machinery, administration has been vested in an administrative authority. Persons chosen to deal with legislation of this sort are persons skilled in coping with industrial problems and, through continuous attention to the issues with which they are called upon to deal, they have the opportunity of evolving a jurisprudence of industrial relations which can in time create in the minds of the public that degree of



Prof. Finkelman

faith in the judicial quality of the tribunal which is of the essence of justice.

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"MEMORANDUM SETTING FORTH THE  
ORIGIN, PRINCIPLES AND  
ADMINISTRATION OF THE NATIONAL  
LABOR RELATIONS ACT IN THE  
UNITED STATES.

. . . . .

In the United States, as in Great Britain and in Canada, the abstract rights of organizing trade unions and bargaining collectively have long been recognized. However, the employer was under no obligation to recognize those rights, which could therefore only be established through industrial warfare - strikes, lockouts and their concomitants. As early as 1898, and on many occasions thereafter, official commissions and committees of various sorts investigated problems of collective bargaining in the United States, searching for a solution which would substitute law and order for turmoil and the resort to self-help that had long ago been outlawed in other fields of human relations. These commissions recognized the beneficial effect of established collective bargaining relations; they felt that no employer should discriminate against an employee by reason of his membership in any labour organization; but they believed that harmonious relations could best be established by a process of education rather than through the compulsion of



legislation. However, as we read these reports, we find that at first some of the members and then more and more of the members of the various commissions begin to lose faith in sermonizing, and they demand that congress takes steps to eliminate anti-social practices in industry by legislative action. A great forward step along these lines was taken during the last war in the establishment on April 8, 1918, of the War Labor Board, a body which may be regarded as the direct ancestor of the National Labor Relations Board. Although the War Labor Board had no powers of enforcement, public opinion was sufficiently effective to ensure compliance with its decisions. This Board went out of existence in 1919.

Meanwhile, employer-employee relations in the railroad field were attracting public attention. The necessity for uninterrupted operation of the railroads brought forth a public demand that Congress establish machinery for the orderly litigation of grievances in that field. Various statutes were enacted to this end and, in 1926, the Railway Labor Act gave legislative recognition to the right of employees to organize and to their right to bargain collectively. A subsequent decision of the Supreme Court of the United States held that the Act had outlawed company unionism and the offensive against company unions on the railroads was continued by the Co-Ordinator of Transportation under powers conferred





upon him by the Emergency Transportation Act of 1933. In 1934, the Railway Labor Act was re-written in such a way as to give greater definition to the powers exercised by the Co-Ordinator in this regard. In this Act, the basic principles, which were later embodied in the National Labor Relations Act were laid down.

So much for railroad legislation. In so far as industry in general was concerned, the Norris-LaGuardia Act in 1932 outlawed "yellow dog" contracts in all industries within the legislative jurisdiction of the Congress of the United States. Then in 1933, Congress enacted the National Industrial Recovery Act. That Act was designed primarily to stimulate economic recovery, but the price of labour support for the scheme was the inclusion in the Act of the famous Section 7(a), the relevant portions of which are as follows:

- (1) ..... employers shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;
- (2) ..... no employee and no one seeking employment



shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing.

It would profit us little to consider the way in which the Act was interpreted or applied, or to seek to ascertain what protection it actually afforded to labour. Suffice it to say that it overlooked many of the vital issues of collective bargaining and that, long before the National Industrial Recovery Act was declared unconstitutional, the weaknesses of Section 7(a) of that Act had become apparent. Not the least of these weaknesses were the facts that its terms were ambiguous, and that there was no adequate sanction to ensure compliance with the Act and no adequate administrative machinery to carry its provisions into effect. Nevertheless, the lessons learned in the administration of the National Industrial Recovery Act proved invaluable guides in the formulation of the policy embodied in the National Labor Relations Act, because important principles of industrial jurisprudence were hammered out on the anvil of experience.

In 1935, Congress enacted the National Labor Relations Act. The Act declares in section 7 that "employees shall have the right to self-organization, to form, join or assist labour organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted



activities for the purpose of collective bargaining, or other mutual aid or protection". This section is no more and no less than a declaration of public policy. Standing by itself it would be merely a repetition of declarations in similar terms by various official commissions and committees during the years before 1935. The policy of section 7 is, therefore, implemented by the provisions of section 8 which sets out a list of unfair practices henceforth prohibited to employers and their agents. Section 8 reads as follows:

It shall be unfair labor practice for an employer -

- (1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7;
- (2) To dominate or interfere with the formation of any labour organization or contribute financial or other support to it; Provided, That subject to rules and regulations made and published by the Board .... an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;
- (3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organization; Provided, That nothing in this



Act ..... shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted in any action defined in this Act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees ..... in the appropriate collective bargaining unit covered by such agreement when made;

- (4) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act;
- (5) To refuse to bargain collectively with the representatives of his employees.

Special attention should be directed to several of the matters dealt with in this section. The second clause, which forbids an employer to make any financial contribution to or support any labor organization, is designed to deal with the problem of company unions. Company unions as such are not declared in express terms to be beyond the pale of the law. The issue is approached by forbidding an employer to engage in certain types of conduct which Congress regarded as likely to deprive an employee of his power to exercise a free choice in the selection of a labour organization. Under this provision, employees may establish and join independent unions and plant councils just as

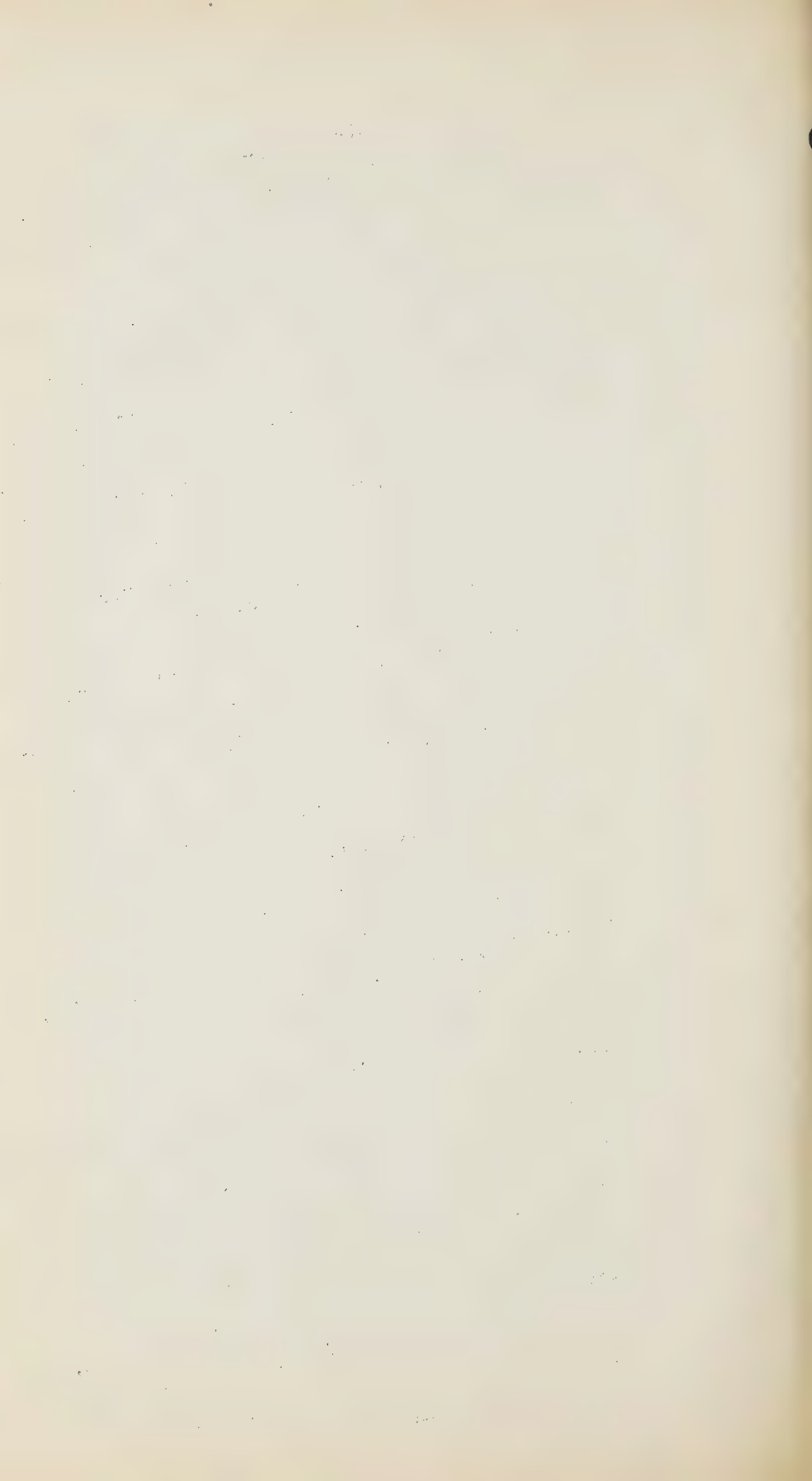




freely as they may establish and join unions<sup>1690</sup>  
affiliated with the major labour organizations and  
employers may deal with such unions or councils  
without infringing the Act, so long as such  
independent unions and plant councils are not under  
the domination of an employer. In addition, an  
employer may pay his employees for time spent by  
them in conferring with him during working hours,  
a practice which exists in a number of industries.  
However, to ensure that an employer does not resort  
to such practices in order to evade the terms  
of the Act by indirect means, these payments are  
made subject to the supervision of the Board.

The third clause prohibiting discrimination  
contains a saving clause in favour of the closed shop.  
The Act does not require an employer to conclude a  
closed shop agreement, but if he does enter into  
such an agreement he is not to be regarded as  
violating the prohibition against discrimination.  
He must not, however, enter into a closed shop  
agreement with a company union.

Clause 5 declares it to be an unfair labour  
practice for an employer to refuse to bargain  
collectively. The extent of the obligation resting  
on the employer is to bargain in good faith. If  
there is an honest difference of opinion between  
the employer and the representatives of his employees,  
the employer cannot be charged with having refused  
to bargain in good faith. In order to determine  
the persons with whom he must bargain and the



entities for whom they speak, the Act sets out a procedure for ascertaining the bargaining unit and the bargaining agency. Authority is conferred upon the Board to determine in each case "whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of this Act, the unit appropriate for the purpose of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof". If any question arises as to who the bargaining agencies shall be, the Board must hear and determine the question and determine the question after an appropriate hearing. In this connection, it may hold an election by secret ballot or it may use other suitable means. Although the Act provides that the representatives selected by the majority of the employees in the appropriate unit shall be the exclusive representatives of all the employees in the unit for the purpose of collective bargaining, a proviso preserves the right of any individual employee or any group of employees to present grievances to an employer.

The foregoing provisions contain the pith and substance of the legislation. The rest of the Act consists of administrative provisions for carrying these principles into effect. For this purpose, a board of three persons is set up with power to hear and determine, upon complaint, charges that an employer has engaged in any of the prohibited



practices. In addition, for the purpose of ascertaining whether an employer has refused to bargain collectively with the representatives of his employees, the Board is empowered upon application being made to it to certify as to the appropriate bargaining unit and as to the bargaining agency, conducting elections among employees where such a course is necessary. The Board is not an inquisitorial body; it acts only upon complaint or application being made to it by a person or organization labouring under a grievance. Because of constitutional doctrines in the United States, the Board cannot itself enforce its orders. It can only issue directives and cease and desist orders, including directions that employees improperly dismissed be reinstated and that they receive back pay. However, the Board may petition the courts for the enforcement of its orders and, upon such petition, the findings of the Board as to the facts are, if supported by evidence, conclusive. Provision is made for judicial review of the decisions of the Board upon application of an aggrieved party, but the same limitation is placed on judicial review of the facts here as in the case of a petition to the courts by the Board itself. In this connection it should be pointed out that the provisions relating to judicial review in this Act are in large part the product of constitutional limitations which make such review imperative in the United States. Generally speaking, it may be said that no such constitutional limits are to be found in Canada.





Rules of procedure for the conduct of the Board's activities are set out at some length in the Act. The Board does not pursue any star-chamber methods. Proceedings are initiated by complaint served upon the person charged with engaging in an unfair labour practice. The complaint must contain a notice of hearing at a place and time designated therein. The person against whom complaint is made has the right to file an answer to the charge and to appear in person and give testimony. Testimony is usually taken by an official of the Board, known as a trial examiner, who prepares a report for the consideration of the Board itself. The Board may issue its decision on the basis of the record or it may take further testimony and hear further argument as it sees fit, but in such an event it must give notice to the parties of its intention to do so. The decision of the Board is then embodied in a finding of fact and direction or order, as the case may be.

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MEMORANDUM RELATING TO TRADE  
UNION LEGISLATION IN GREAT  
BRITAIN.

British legislation relating to trade unions and their activities is contained in the following statutes: Trade Union Act, 1871; Conspiracy and Protection of Property Act, 1875; Trade Union Act Amendment Act, 1876; Trade Disputes Act, 1906; Trade Union Act, 1913; Trade Union (Amalgamation) Act, 1917; Trade Disputes and Trade Unions Act, 1927.



Conciliation machinery is provided for in the Conciliation Act, 1896, in the Industrial Courts Act, 1919, in the Conditions of Employment and National Arbitration Order of July 18, 1940, and to some extent in the Trade Boards Acts of 1909 and 1918. Many of the provisions of these Acts deal with matters which are not before this Committee and accordingly the following discussion will be confined to questions of status and collective bargaining.

(i) Restraint of trade: The Trade Union Act of 1871 removed from trade unions generally, whether registered or not, the stigma of illegality and unlawfulness flowing from the operation of the doctrine of restraint of trade. If these provisions were to remain unqualified, every contract entered into by a trade union would have been enforceable through the courts; a trade union might perhaps in a proper case have been able to enjoin any of its members from working with non-unionists or from continuing to work under non-union conditions. Employers were not prepared to concede so much power to trade unions and the Act, therefore, provided that certain contracts or agreements were not to be enforceable by virtue of the Act, unless they would have been enforceable apart from the Act. The contracts or agreements dealt with in this fashion were the following:

- (1) Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade



union shall or shall not sell their goods,  
transact business, employ or be employed;

- (2) Any agreement for the payment by any  
person of any subscription or penalty to  
a trade union;
- (3) Any agreement for the application of the  
funds of a trade union
  - (a) to provide benefits to members; or
  - (b) to furnish contributions to any  
employer or workman not a member of  
such trade union, in consideration of  
such employer or workman acting in  
conformity with the rules or  
resolutions of such trade unions; or
  - (c) to discharge any fine imposed upon  
any person by sentence of a court of  
justice;
- (4) Any agreement made between one trade union  
and another; or
- (5) Any bond to secure the performance of any  
of the above mentioned agreements.

(ii) Registration: The Act of 1871 provides for  
the voluntary registration of trade unions upon the  
application of seven or more members. Registered  
trade unions are permitted to purchase or lease  
or otherwise deal with property in the names of  
trustees, to hold real and personal estate in the  
names of the trustees, and to sue or be sued in  
respect of such property in the names of the trustees.





No mention was made in the Act of any liabilities of trade unions other than those touching or concerning the property, right, or claim to property of the trade union. However, in 1901, in the Taff Vale Case, the House of Lords held that a registered trade union was a quasi-corporate entity which could be sued in its registered name for torts committed on its behalf by the members. This liability was removed by the Trade Disputes Act of 1906, which declared that "an action against the trade union .... or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court". As has already been pointed out to the Committee in a previous memorandum, the Trade Disputes Act of 1906 not only conferred immunity upon trade unions but it also conferred immunity in certain instances upon the members when acting in contemplation or furtherance of a trade dispute. This protection was accorded to trade unions generally; it was not confined to registered trade unions. However, even after 1906, many trade unions refrained from registering because they feared that, despite the broad terms of the Act of 1906, the courts might find some way of imposing liability upon them. Thus, doubts arose as to whether any particular organization of employees was entitled to claim the privileges conferred upon trade unions by the Act of 1906. Accordingly, the Trade





union Act of 1913 provided that any unregistered trade union might without registering apply to the Registrar of Friendly Societies for a certificate that it was a trade union within the meaning of the Act. If the objects of the applicant union and its constitution fulfilled the requirements of the Trade Union Acts, 1871-1913, the Registrar could issue a certificate which constituted conclusive evidence that the organization was a trade union entitled to all the rights and privileges conferred by the Trade Disputes Act of 1906.

(iii) The Right to Organize: There is no legislation in Great Britain specifically guaranteeing to employees the right to organize. That is a right which is freely accorded and public opinion simply would not countenance any action by an employer which tended to interfere with an employee who sought to join the trade union of his choice. Restrictions have, however, been imposed upon two groups of employees. The Police Act of 1919 established for the members of the police forces a police federation which was to be "entirely independent and not associated with any body or person outside the police services". Members of police forces could not join "any trade union or any association having for its objects, or one of its objects, to control or influence the pay, pensions, or conditions of service of any police force". Constables who were members of a union theretofore could continue their membership in such organization with the consent of the chief officer



of police.

In 1927 the Trade Disputes and Trade Unions Act provided that the Treasury should make regulations "prohibiting established civil servants from being members, delegates or representatives of any organization of which the primary object is to influence or affect the remuneration and conditions of employment of its members, unless the organization is an organization of which the membership is confined to persons employed by or under the Crown and is an organization which complies with such provisions as may be contained in the regulations for securing that it is in all respects independent of, and not affiliated to any such organization as aforesaid the membership of which is not confined to persons employed by or under the Crown, or any federation comprising such organizations, that its objects do not include political objects, and that it is not associated directly or indirectly with any political party or organization". Civil servants who had been members of a union for six months before the passing of the Act and who had acquired benefit rights might continue their membership.

(iv) The Right to Bargain Collectively: The right to bargain collectively is as fully recognized in practice in Great Britain as is the right to organize. Here again public opinion would ostracize an employer who refused to meet and bargain with his employees. Consequently, the right to bargain collectively has no



need of legislative support. In peace time there is no provision for compulsory collective bargaining. Under the Conditions of Employment and National Arbitration Order, 1940, either party to a dispute may report the issue to the Minister who may in such an event refer the matter to the National Arbitration Tribunal, unless suitable machinery for dealing with a dispute already exists in the industry, in which event the matter is to be referred by the Minister to the agency within the industry. The decisions of the Tribunal or of the agency within the industry are final and binding and the terms of the award become legally binding as part of the employment contract between the employer and each individual employee who is a member of the group concerned in the dispute. No employer may declare a lockout and no employee may take part in a strike unless the dispute has been reported to the Minister and unless the Minister has for twenty-one days from the date of the filing of the report failed to refer it for settlement in the manner outlined above.

(v) Filing of Financial Statements and Other

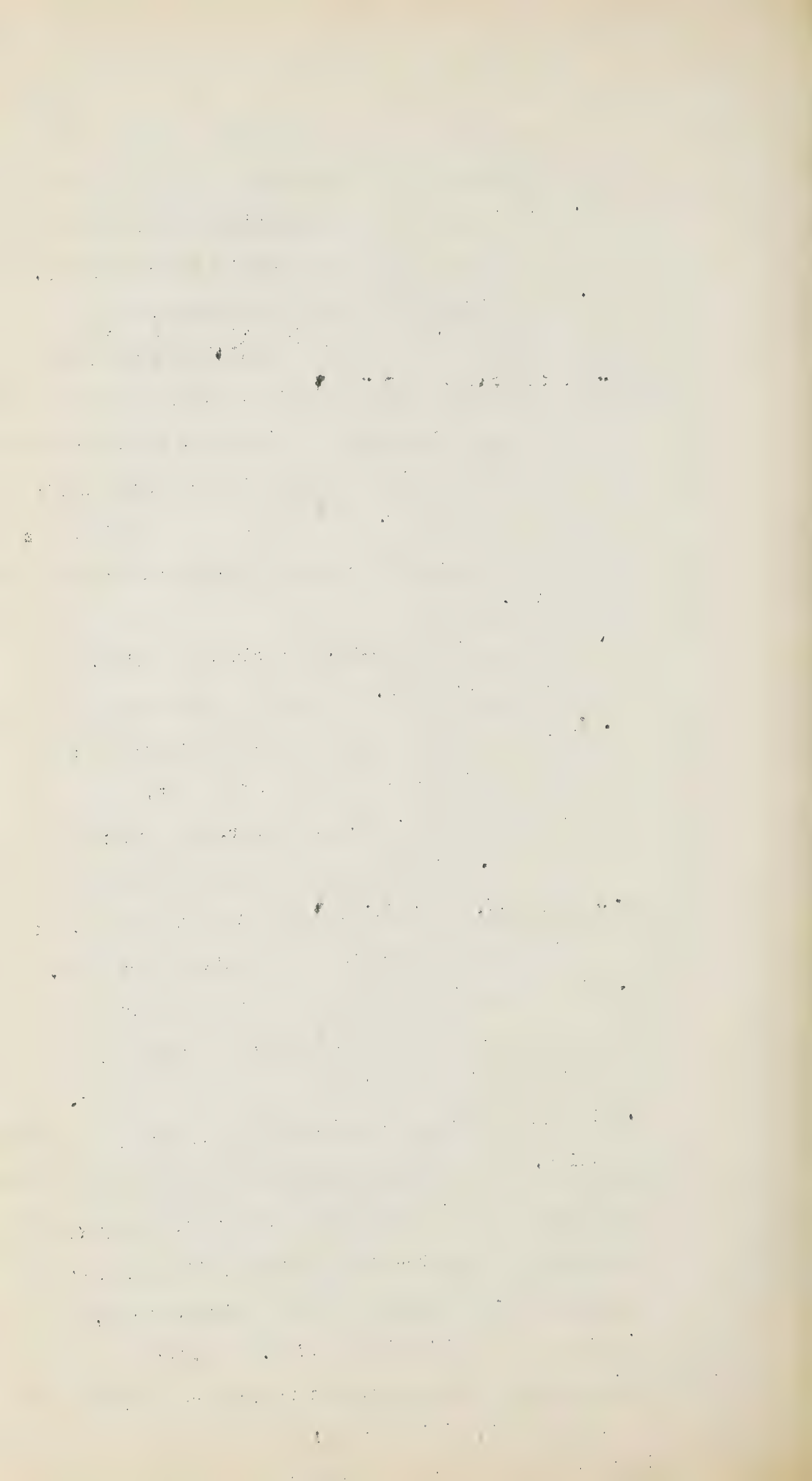
Information: On the occasion of an application for registration, the applicants must file with the Registrar, along with the application, copies of the rules of the union together with a list of the titles and the names of the officers. The rules of the union must contain provisions with regard to the following matters:





1. The name of the trade union and place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such trade union.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the union.
7. Provision for the manner of dissolving the union.

If the union has been in operation for more than a year before the date of the application, the applicants must also file a general statement of the receipts, funds, effects, and expenditures of the union. Registered unions are also required to file annually a general statement of their receipts, funds, effects and expenditures, together with a copy of all alterations



of rules and changes of officers.

(vi) Reports to Members of Registered Unions: Every member of a registered union is entitled to obtain a copy of the rules on payment of a fee not exceeding one shilling. In addition, every treasurer is required to render, at such times as the Rules of the union may provide, a statement of receipts, expenditures, and assets. Every member of the union is entitled to receive a copy of the annual statement filed with the Registrar.

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MEMORANDUM ON THE  
PENNSYLVANIA LABOR  
RELATIONS ACT

In 1937, the Commonwealth of Pennsylvania enacted the Pennsylvania Labor Relations Act modelled on the National Labor Relations Act of the United States. In 1939, the Pennsylvania Act was amended so as to impose certain restrictions upon trade unions. Thus, the provisions exempting the closed shop from the discrimination clause of the Act was modified to ensure that an employer could sign a closed shop agreement only with a union which was prepared to admit to membership all persons who were employees of the employer at the time when the agreement was entered into. In addition, it was declared to be an unfair labour practice for an employer to check off union dues "unless he is authorized so to do by a majority vote of all the employees in the appropriate



collective bargaining unit taken by secret ballot, and unless he thereafter receives the written authorization from each employee whose wages are affected".

The Act goes on to define certain practices which are forbidden to labour organizations, their officers and representatives, and to employees acting in concert. These unfair labour practices are as follows:

It shall be an unfair labour practice for a labour organization, or any officer or officers of a labour organization, or any agent or agents of a labour organization, or any one acting in the interest of a labour organization, or for an employee or for employees acting in concert -

(a) To intimidate, restrain, or coerce any employee by threats of force or violence or harm to the person of said employee or the members of his family or his property, for the purpose and with the intent of compelling such employee to join or to refrain from joining any labour organization, or for the purpose or with the intent of influencing or affecting his selection of representatives for the purpose of collective bargaining.

(b) During a labour dispute, to join or become a part of a sit-down strike, or, without the employer's authorization, to seize or hold or





to damage or destroy the plant, equipment, machinery, or other property of the employer, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

(c) To intimidate, restrain, or coerce any employer by threats of force or violence or harm to the person of said employer or the members of his family, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

Bargaining rights are expressly guaranteed to each craft unit which requests such rights. Certification of representatives is confined to labour organizations which have not committed any unfair labour practices. Apparently, in the case of employees not organized in any labour organizations, the application for certification can be entertained by the Board only upon petition of a group of employees in the bargaining unit representing at least 30% of the employees of that unit. A person charged with having engaged in any unfair labour practices may plead by way of defence that the complainant has himself engaged in unfair labour practices and proof of this allegation operates as a complete defence to the complaint.

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THE CHAIRMAN: Are there any of the members who desire to ask Prof. Finkelman any questions?

MR. MACKAY: On what?

THE CHAIRMAN: Well, he has presented a digest of the laws of Canada, the United States, Australia and New Zealand in respect of these matters.

MR. AYLESWORTH: May I ask some questions?

THE CHAIRMAN: Certainly.

MR. AYLESWORTH: I do not think this could be considered cross-examination of my friend, Prof. Finkelman .

It is simply to adduce to me a little information.

Q. Prof. Finkelman, you have been good enough to supply the committee, I think, and you have certainly supplied me, with a copy of The National Labour Relations Act. That is, of course, commonly referred to as the Wagner Act? A. That is right.

Q. Such study as I have given that Act before this committee and elsewhere indicates to me, and I would like you to affirm the impression if it is accurate or to explain if it is inaccurate, that the so-called Wagner Act of the United States prohibits by its terms nothing, no action by an employee or by a collective bargaining agency. In other words the prohibitions contained in that Act are all directed against a certain possible action by an employer. Am I right in that? A. That is right.

Q. And then again, Prof. Finkelman, there are no provisions, I think, in the Wagner Act for any review of the certification or of the term of the



certification under the Act of a collective bargaining agency. . A. I am afraid I will have to disagree with that.

Q. I wish you would, please, just explain your views on it. A. Any decision of an administrative authority in the United States is subject to review by the courts. There is an inherent jurisdiction---

THE CHAIRMAN: Say that again.

A. There is an inherent jurisdiction in the courts of the United States to review every administrative Act, every administrative decision.

Q. Under the constitution? A. By virtue of the constitution of the United States. The situation in the United States is quite a bit different to the situation in Canada.

MR. AYLESWORTH: Q. Constitutionally, that is so.

A. Quite. The situation in the United States is that the due process clause of the constitution requires every decision by an administrative authority to be reviewed by the courts if a litigant asks for relief along those lines. In Canada it is possible for us to bar the courts entirely, as has happened on a number of occasions in this very province.

Q. Well, Professor, I have no disagreement with that; in fact, that was my own understanding of the situation there, but, what I was endeavouring to bring out was this, that, under the Wagner Act, if a collective bargaining agency is certified as to any collective bargaining unit there is no express provision in the Wagner Act providing for either the



up under the Act for a review of that certification. If they have any such thing in mind they must go to the courts under the constitutional provision allowing them to do so.

A. The constitutional power of the courts to review would operate automatically. You do not have to provide in a statute that there shall be a review if the common law methods of review are sufficient.

Q. You are not disagreeing with me, but I would like to see if you agree with me in this. The Wagner Act does positively provide machinery for the ascertaining of a bargaining unit and for the certification of a bargaining agency.

A. That is right.

Q. It does not positively provide in its own terms for the review of that certification or for a review of the term for which the certification shall be made?

A. That is right; not in express terms.

Q. As you so properly pointed out, it is their constitutional right, however, to go to the courts to assist them in that matter if they so desire?

A. That is right.

Q. Then, again, the Wagner Act provides that any finding of fact by the board set up by that Act shall not be disturbed by any of the constitutional courts of the United States if the finding of fact is supported by any evidence?

A. I just want to check up on that.

Q. Yes. A. The Act declares that the findings of the Board as to the facts, if supported by evidence,





shall be conclusive.

MR. ANDERSON: What page?

MR. AYLESWORTH: On page 6, sub-section (e) of section 10. The professor is quoting section 10 of the Wagner Act, which says:-

"The findings of the Board as to the facts, if supported by evidence, shall be conclusive."

I would like to ask the professor if in his view that provision in the actual working out in the courts thereof has not resulted in this state of affairs in the United States, namely, that if under the Wagner Act a Board after hearing the evidence makes a finding and there is any evidence whatsoever, whether it is the weight of the evidence or the preponderance of the evidence, or whether it is just even fragmentary evidence in support of their finding, the courts have taken the position that they are not at liberty to review that finding.

THE WITNESS: No. I cannot agree with that statement, because---

Q. Well, I am sorry, because it has been my impression by reason of the study I have been able to give to the decisions in the United States on that point that the courts have found themselves hampered in a review of the Wagner Act provisions and findings of fact because of the very language in the Act and have found themselves unable to proceed on what the courts generally proceed upon in a review and that is the preponderance of evidence.

A. I am afraid I



certainly must disagree with that, Mr. Aylesworth, because I think this provision as it appears in the National Labour relations Act, if anything, gives to the Courts a greater power of review over facts than is the case at common law. The position is something like this. The courts have declared in connection with administrative proceedings that they will not interfere with the wisdom of the administrator's decision, so that as long as the administrator---

THE CHAIRMAN: Q. What about the ignorance of the administrator's decision? A. That is something the public must take a chance on. And, if the decision is supported by any evidence at all then there can be no review. That is the common law position. The courts in the United States have gone some distance beyond that and have insisted they have a much greater right of review over facts than that which I have indicated as being the position at common law.

MR. AYLESWORTH: Q. I see here, and I do not need to refer to the wording, some reference to some more recent decisions of the Supreme Court of the United States in which they have found that very wording to which we have referred in the Wagner Act, "acts if supported by evidence means facts if supported by substantial evidence and that substantial evidence means such relevant evidence as a reasonable man might accept as adequate to support a conviction. A. Quite. That is what I was going to point out. In a great many



American States you will find that the powers of the Courts to review facts are much greater than they are in Canada.

The position is something of this sort, along these lines. The courts/ordinarily will not review the decision of an administrative tribunal any more than they will review the decision of a jury, but they will review the decision of an administrative tribunal in much the same way as they will the decision of a jury. If you want greater review than that you have to include in the statutes specific words to that effect.

Q. Now, that is all I have to ask you, and I am obliged for your help in respect of the Wagner Act.

There are one or two questions, however, I would like to ask you in respect of legislation in Great Britain, in which naturally all the members of this Committee are interested. Is it not the fact that in Great Britain the authorities have seen fit to make certain restrictions upon the right to organize of such bodies as the police forces and as the civil servants?

A. That is set out in my memorandum.

Q. I wonder if you will agree with me as to this, that the gist of the regulations, while it does not prohibit such bodies from organizing collectively, prohibits them from organizing in an association which is comprised of any members outside of the very body of employees, itself. That is, policemen may only organize in an association of policemen, and civil servants may only organize in an association of civil





servants. A. That is set out in my brief.

Q. I mean you are agreeing with me? A. Yes.

MR. NEWLANDS: In other words, a plant union?

MR.AYLESWORTH: Possibly a group union, comprised only of the employees of that group.

MR. ANDERSON: Is there anything about municipal employees?

MR.AYLESWORTH: What have you to say about that?

A. There is a provision in the 1927 Act about municipal employees. It is contained in the Trade Disputes Act of 1927, Chapter 1. It does not prevent employees of public authorities from joining trade unions, but I should imagine that it would prevent employees of trade unions agreeing with the municipal councils or other local authorities to make it a closed shop.

MR. ANDERSON: Public authorities, of course, would include public utilities as we know them?

THE WITNESS: Quite.

MR. AYLESWORTH: These things are all adequately covered in the briefs of the professor. I thought you had so much to read that some of these pertinent points would be well to be brought out.

THE CHAIRMAN: It was your desire to stress two or three points, and that is all?

MR. AYLESWORTH: Yes.

Q. Also, in Great Britain, there is a provision as a result of the reluctance of trade unions to register, even under the 1906 Trade Disputes Act of England and by later legislation there is a provision enabling trade





Prof. Finkleman, 1711

unions if they comply with certain requirements to secure from the registrar a certificate that they are a union subject to the provisions of the Trade Disputes Act or complying with it? A. That is right.

Q. And that has been, I believe, liberally taken advantage of by the Trade Unions in Great Britain?

A. Yes.

MR. MACKAY: Q. Is that not obligatory, not compulsory?

A. No.

MR. AYLESWORTH: Q. Under the Trade Disputes Act trade unions secure certain privileges. They were afraid for a long time that the registration under the Act despite the provisions of the 1906 Act might subject them to a status in which they could sue or be sued. Later Great Britain provided that the unions might apply to the registrar under the Act for a certificate on certain conditions -- for a certificate, not to register -- that that union was a union within the meaning of the Trade Disputes Act, and therefore was entitled to the privileges under that Act.

MR. MACKAY: Q. What advantage would those privileges give them? A. It would save them from any action.

Q. I understood no action could be taken against a union. A. That is true; no action could be taken against a trade union under the Trade Disputes Act of 1906, but then the trade union would have to establish it was a trade union within the meaning of the 1906 Act. They would have to establish permanently in court that they were a trade union. Suppose an action was to be brought against an organization of employees, they



would have to come into court and establish that they were a trade union within the meaning of the Act. To avoid the necessity of establishing that in an action the union could go to the registrar and obtain a certificate to that effect. If the registrar issued it to them it was conclusive, for all purposes and all they would have to do would be to file it in court and the Judge would not question it.

THE CHAIRMAN: It barred any action?

A. It barred any action.

Q. What were the conditions or what are the conditions for registration under the Act?

A. The conditions for registration are set out. They have to file their constitution and by-laws and the rules of the trade union must contain certain matters. They are set out on pages 4 and 5 of the third part of my memorandum.

MR. AYLESWORTH: Q. They must, professor, am I not right in this, and as is set out in your brief, among other things, not only file their constitution but the constitution must provide for an annual or periodic audit of the accounts?

A. That is right.

THE CHAIRMAN: By whom?

MR. AYLESWORTH: It does not state, but the constitution, if they are going to register, must provide for an annual or periodical audit.

Q. Then, professor, if the union requiring or asking for registration has been in operation for more than one year, when they apply for registration



they must file a general statement at that time of the receipts, funds, effects and expenditures of the union?

A. That is right.

THE CHAIRMAN: You mean by that they have to get an annual certificate of registration?

MR. AYLESWORTH: Again they are required to file an annual general statement of their receipts, funds, effects and expenditures.

THE CHAIRMAN: That is not published; just filed.

MR. AYLESWORTH: Then there is the further provision, and I think the professor will agree with me, that in addition every member of such a union may, upon the payment of a fee of a shilling to the registrar, secure at any time the financial statement of his union.

Q. Am I not right?

A. That is right.

THE CHAIRMAN: What about a hod-carriers' union?

MR. AYLESWORTH: If he were willing to pay the shilling, all right. Those are some of the points which I thought might be of some interest to the committee.

MR. LANG: May I ask a couple of questions? I was going to ask, perhaps, if he could give me a hand in respect of a couple of facts?

Q. Dealing with the first memorandum covering analysis of legislation in Canada-- and this has to do with what are so-called company unions -- from the evidence submitted to this committee by trade unions it would seem that if the benefits offered by the employer are designed to influence the employee's choice of a bargaining agency they come within the confines of company unionism. I was wondering why





you use the word "designed"? If you used that word applied to the Bell Telephone union would you say it was one which was designed, that the benefits conferred by the employer were designed to give it the vices of a company union?

MR. AYLESWORTH: That is a pretty difficult question.

THE WITNESS: I agree with Mr. Aylesworth. I would not care to pass judgment on the Bell Telephone Company at the present time without an examination of all the evidence. I think I get your point. I think I can answer it in this way, that, if an employer hoped that by offering very good conditions to his employees---

THE CHAIRMAN: Say that again.

THE WITNESS: If an employer had hopes that by offering excellent conditions to his employees no trade union would ever come into his plant. Let us say he established for them social clubs, pensions funds and so that would not be designed to influence the employees' choice of a bargaining agency, but, let us say, for instance, a union came in and began organizing, and two weeks later the employer suddenly called the people together and said "I am going to give you pensions", it might be a legitimate inference to be drawn by an administrative tribunal administering such a legislation that that benefit was offered or designed, rather than offered, with a view to influencing the employees' choice of a bargaining agency.

MR. LANG: In other words, you would say when you are dealing with that point you are dealing with motive?



A. Quite.

Q. You will agree, likely, it is a difficult matter to deal with any legislation which involves any question of motive?

A. Well, it would not be any more difficult to deal with motive there than to deal with motive in a case of malicious prosecution or to deal with motive in the case of the defence of qualified privilege or conspiracy. In conspiracy you have motive dealt with all the time in the criminal courts.

Q. On page 10, at the beginning of the second sentence, top of the page:-

"A mere declaration of the right to bargain collectively may be of some value in itself because of its psychological effect;"

I mention this because, as I recollect it, in the thirteen points submitted by the Minister of Labour to this committee, in point No. 11, I think it is, he suggests the necessity for a pronouncement or an enactment dealing with collective bargaining. Now, do you still say that a mere declaration of the right is going to have a psychological effect?

A. You answer that question yourself. "Thou shalt not steal" does not mean anything if there is no penalty attached to it.

Q. So you disagree with the Minister, I take it, because he suggests there should be a pronouncement or enactment. I think that is quite correct. I am quoting from his thirteen points.

A. I do not recall offhand. I would not say that I disagree with the Minister, but I would say it might



be of value because it might have some psychological effect, but I do not think it would go beyond that.

Q. Now, on page 15 you make a reference to legislation in Manitoba with reference to collective bargaining being subject to a penalty. I am just wondering about that now. On page 10, you say at the bottom of the first paragraph, referring again to Manitoba:-

"A rather cryptic penalty section

probably covers the refusal to bargain collectively."

I raise that question because my information is that very recently the Manitoba Legislature rejected a bill for compulsory bargaining. Do you know about that?

A. A bill was introduced by Mr. Farmer which was rejected by the House. I have not a copy of the bill here, and I did not peruse it carefully because I receive quite a number of bills, and it was, of course, impossible to deal with legislation which was in someone's mind and which had not been enacted by anyone.

MR. OLIVER: It was not an outright rejection?

A. I think it was defeated.

MR.LANG: By a vote of 30 to 12.

THE WITNESS: It was left in abeyance until Prof. Loughheed of the University of Manitoba had an opportunity to study legislation in other jurisdictions.

MR.LANG: My information from the Minister of Labour of the Province of Manitoba was that the House rejected the bill by about a vote of 30 to 12.

THE CHAIRMAN: For further consideration. Some





thought they would save time by having some expert evidence brought into the House. If it had been like a bill some suggested here there very probably would not have been any objection.

MR. LANG: The main reason for my raising this point is that I wanted the question raised as to whether there is compulsory bargaining legislation in Manitoba.

THE WITNESS: On page 10 of my brief the penalty section is rather cryptic and I am afraid I cannot go beyond that.

THE CHAIRMAN: I am wondering about the use of the word cryptic.

THE WITNESS: I refer you to sections 45, 46 and 47. As I say, when I wrote this statement on page 10, I drew attention to the fact that the penalty section was rather cryptic and would have to be interpreted by a court. I am not prepared to say that a court would rule that there was no penalty for refusal to bargain collectively, and I am not prepared to say that they would impose a penalty. I drew attention to that by using the word "cryptic" there. The rest of the memorandum proceeds on the assumption that there is a penalty.

MR. LANG: On page 24 you make reference to the question of a tribunal in connection with such legislation. Your comment there is to this effect:

"The issues which arise out of collective bargaining are peculiarly unsuited for adjudication by the courts because they involve a knowledge of industrial organization and industrial practices





foreign to the Judge's and Magistrate's experience."

MR. AYLESWORTH: That is his opinion.

MR. LANG: I was going to point out to the professor that our experience with Mr. Justice McTague would belie that opinion.

THE WITNESS: Any tribute you would pay to Mr. Justice McTague on that score I would heartily agree with and endorse, but I have the authority of Lord Justice Scrutton in the English Court of Appeal who said that it is extremely difficult for a Judge to deal with these issues without some sort of bias. I was not proceeding on my own authority but on the authority of a very eminent member of the English Bench.

Q. In reference to such a tribunal what would you say as to this because, relating to the geography of Ontario, if such a tribunal were set up, would it not be a difficult matter, in view of the long distances we have in this province, for such a tribunal to function well over such an area?

A. I find that the Ontario Municipal Board has much the same problem and that members of the Board go out on circuit throughout Ontario from time to time. It is not my position here to suggest what form that tribunal should take, but, if I may express a personal opinion, I would say it would be suicidal to have the tribunal located in Toronto and do all its business here. It would in some fashion have to go on circuit in order to hear cases in various areas.

MR. LANG: That is the point I wanted to bring out.



Thank you very much.

THE CHAIRMAN: Have any of the members of the committee, or Mr. Furlong, any questions to be asked of Prof. Finkelman?

MR. FURLONG: No.

THE CHAIRMAN: Prof. Finkelman, the committee is deeply indebted to you for your industry and knowledge in preparing these briefs for the committee.

MR. AYLESWORTH: I would like to say I think everyone who is appearing here who has any interest in the matter is also indebted to the professor for his very able summary of a difficult situation in Canada in order to make available for the committee all this diverse legislation. I think he has done a wonderful job.

THE CHAIRMAN: Yes.

THE STEEL COMPANY OF CANADA

A. L. LOTT, (sworn):

EXAMINED BY MR. FURLONG:

Q. Mr. Lott, what is the proper name of your company?

A. The Steel Company of Canada, Limited.

Q. What office do you hold with the company?

A. I hold no office. I am attached to the personnel department.

THE CHAIRMAN: Q. Of what company? A. Of the Steel Company of Canada.

THE CHAIRMAN: I think we have heard of it from both sides.

MR. FURLONG: All right, Mr. Lott, go ahead.

THE WITNESS: I would like to present a brief or a statement from our vice-president in charge of operations.



It covers the relations of the company with the employees since the inception of the company.

MR. MACKAY: Q. When was the company formed?

A. In 1910, sir. Also embodied in this statement are the different plans and services which have been made available since the inception of the company. It is along those lines this statement is prepared.

"To the Chairman and Members of the Select Committee  
of the Legislature on Collective Bargaining.

Your Committee is considering representations from various bodies concerning methods of collective bargaining and is studying the information received. We believe, therefore, you will be interested in a review of the policies and experience of The Steel Company of Canada, Limited.

This company, which is the largest producer of primary steel in the Dominion, accounting today for 40 per cent of the total finished rolled production, was formed in 1910 by the amalgamation of a number of finishing plants with The Hamilton Steel and Iron Company, thus combining finishing capacity with primary steel production. Ever since its formation the company has adhered to a policy of improving the efficiency and character of its plants, and it has been enabled thereby to consistently broaden the amount of employment afforded and improve the wages and working conditions of its employees.

The year after the formation of the company total wages and salaries disbursed amounted to \$3,314,000 whereas, for the year 1942, the corresponding





figure was \$17,742,000.

That this company is not opposed to the principles of collective bargaining is shown by the fact that since the year 1935 collective bargaining has been carried on with employees in all its larger plants by means of an Employee Representation Plan. Under its provisions the employees have chosen annually fellow employees from among their ranks, by secret ballot, to represent them in negotiations with the company. Officials of the company, salaried employees, foremen, policemen, clerks engaged on time, piecework or payroll records, and those having the authority to employ or discharge, are not eligible to vote. It has been the fixed policy of the management that the employees should be free to select their representatives."

MR. MACKAY: They are voting by secret ballot, you  
Does that comprise every member of that committee?

A. Yes.

Q. Are there any members of that committee today employed by the company? A. The set-up in our plant is that our Hamilton Works is divided into eleven electoral districts. We call them divisions. A ballot, a voters' list is prepared by the elected representatives. All the voting is in charge of the elected representatives. They go over it and decide whether a man is qualified to vote, whether or not he be a foreman. The returning officers are appointed. The first ballot is a blank ballot. It is like a primary. The voter in



the division writes in his name, the man he wants to represent him, and the names of those two who appear on the ballot in that division as receiving the highest number of votes appear on the printed ballot when the election is held. When the council meet they have a like number of employee representatives.

Q. You have eleven elected and eleven appointed?

A. Yes.

MR. OLIVER: Q. What do you do in the case of a ballot? A. I happen to act as chairman of the works council and I have no vote. It is a stalemate if there is no decision.

Q. There is no appeal at all? A. Yes; to the Works manager, and from him to the president.

MR. MACKAY: Q. The final appeal is to Mr. McMaster, the president? A. Yes, that is right.

Does that answer your question? . . .

Q. Yes, it does. A. I might say the elected representatives meet themselves a week prior to the regular meeting and prepare an agenda to be put down at the regular meeting which is held a month after.

"These elected representatives meet monthly with representatives selected by the management and discuss together matters relating to wages, working conditions, safety etc. without restriction. The proceedings of all meetings are fully covered by minutes which are posted in all departments."

I have a copy of the last two regular meetings if you would care to have us file them.



"and the company has lived up to the letter of any agreement reached in these meetings with its employees through their elected representatives." We have heard a lot of evidence as to the employees' elected representatives.

THE WITNESS: I do not know what has been stated about any restriction on any person running and being elected or any means whereby they were prevented from being elected, in so far as the management is concerned.

MR. FURLONG: The only thing there which seems to be objectionable from a union standpoint is the fact that your arbitration is all by one man, the president of your company. What is your objection to having an independent Board composed of one or two men to be the final Court for the employees, or to decide any dispute instead of the president of your company? If you are in favour of a Board of Arbitration surely the president could not possibly be the sole court of appeal.

A. There is something to what you say, but in the final analysis the president and the managing director has charge of the operation of the company and whether or not that company is successfully operated depends upon his judgment and his decision.

MR. HAGEY: Q. Do you not think it depends also on the ability of the men who are working in the plant?

A. I do not detract from the contribution from the men in the plant, but surely you will admit that there are a lot of cases in which, poor management has worked to the detriment of the employee.

THE CHAIRMAN: Surely.





MR. FURLONG: Q. But, do you not think you could choose someone in that regard who would be satisfied that your president could settle the difficulties of the company and who would tell the president of them in order to be able to get justice in any case? You now submit all your rights to the court if you have trouble?

A. Yes.

Q. Surely you could find an independent man. I notice in most agreements of this kind there is a clause which says that the company chooses one member, the men choose another member and those two choose the county court judge if they cannot agree. There you would have a body properly composed which I think would give you a proper decision in any troubles between your men.

A. I am quite prepared to carry that back for consideration, sir.

THE CHAIRMAN: We had a Mr. Cook here yesterday representing twenty of the manufacturers engaged in the clothing industry. He dealt with that very same fact. He said that they were a very depressed industry twenty-five or thirty years ago. Finally, the unions embraced the whole industry in Ontario and they sat around and talked things over amicably and settled all their differences, practically. In a case in which they did not the employees had one man and the company had another, and they generally agreed on the third man, and if they could not I think it was the county judge who settled it. You can understand that the men would actually feel the cards were stacked against them when the Court of Appeal in effect is the president of the





company.

THE WITNESS: As I point out later in this statement, in the operation of this council there have been only two appeals to the president.

MR. NEWLANDS: We heard it proposed yesterday that a union would set up a board on which two of the men would be union men and the other would be a manufacturer. They were laughed at.

THE WITNESS: If I may continue:

"The meetings have provided a medium for a free exchange of information covering employee and management problems and the discussions have covered a very wide range of subjects. The company has made a sincere effort to make the plan successful with respect to results gained by employees, as well as to create a better understanding of business and economic problems which the management of the company must face and which must, of necessity, limit at times the company's ability to accede to requests which would affect its position in competitive industry.

The mutuality of interest between employees and employer has been a key-note of the company's labour relations policy and it is self-evident that the more successful a company is, the better position it will be in to improve the lot of those working for it. Possibly the best index of the success of our Employee Representation Plan is the fact that, since its inception, it has only been found necessary to carry two cases at



Hamilton Works to the President of the Company for final disposition, one concerning the discharge of an employee who walked off the job, and the other a recent demand by a C.I.O. Local for an election to determine whether it should have exclusive collective bargaining rights on behalf of all Hamilton Works employees, whether members of the Local or not."

Those were the two cases which were appealed to the president. In the first case one of our men came in and he was working on the tonnage rate. The mill was not ready, and he took five or six men of the crew away with him, and walked off the job. He had been only gone five or six minutes when the other five or six came back, but he did not come back until the next day. He was discharged for that. I think that was in 1938 or 1939.

MR. MACKAY: Is this committee set-up now functioning satisfactorily? A. You mean at this minute?

Q. At the time of the presentation of your brief.

A. It has been functioning right along up to the present.

THE CHAIRMAN: It is not functioning now?

A. Nine of the elected representatives turned in their resignations.

MR. MACKAY: Which nine? A. The C.I.O.

Q. Nine out of the eleven? A. Yes.

Q. You mean they elected nine out of the eleven?



A. They claim that they elected eight out of the eleven.

Q. I thought you said nine C.I.O. signed?

A. Nine C.I.O. signed. I have a copy of it here.

THE CHAIRMAN: We have the evidence here.

MR. MACKAY: Q. Over what would they resign?

A. Well, one reason, I think, was that they did not get a vote.

Q. Or was it in protest? A. I think I had better read it to you just to get it into the record, now you have brought it up. This is the dodger which was hoisted at three o'clock on Tuesday afternoon. I received an official copy from the chairman at three-thirty that afternoon.

"TO THE EMPLOYEES AND MANAGEMENT

OF THE HAMILTON, ONTARIO, STELCO WORKS.

We, the undersigned, Elected Representatives of the Hamilton Stelco Works Council, who are members of Local Union 1005 of the United Steelworkers of America, hereby tender our resignation as Representatives of the Stelco Works Council, the resignation to be effective immediately as of March 15th, 1943.

We feel this action necessary for the following reasons:

1. After our experience as Representatives, we know that the Works Council does not properly represent the men of Stelco, but is a Company dominated and controlled body.





2. It is impossible for us, under this Council, to obtain any benefits of major importance for the employees of Stelco.
3. We realize that no good purpose can be served by our continuing as Representatives on the Works Council, that our time would be wasted and could be better used in completing the organization of Local Union 1005.
4. The United Steelworkers of America representing the workers of Algoma Steel and of Dominion Steel at Sydney and Trenton, have succeeded in having their cases placed before the new National War Labour Board, asking for a 55 cent minimum base rate with a full cost of living bonus in addition, recognition of basic steel as a National Industry, adjustments in rates for those above the 45 cent base, re-classification and adjustment of all maintenance rates, time and one-half for the seventh consecutive day worked and other benefits to be obtained under the new Order-in-Council passed at the demand of the United Steelworkers of America.
5. We believe the workers of Stelco are



entitled to the same benefits and we intend to do everything within our power to obtain these benefits by presenting our case to the National War Board, through our only real Labour Organization, the United Steelworkers of America."

---EXHIBIT NO. 192: Handbill, entitled "To the Employees and Management of the Hamilton, Ontario, Stelco Works," dated Hamilton, Ont. March 15, 1943.

It is signed by the nine.

In connection with this a public meeting was advertised to be held in the Playhouse Theatre on Sherman Avenue in Hamilton on Sunday.

Q. Sunday past? A. Yes; to be addressed by Mr. Elmer Malloy, who was one of the men who came over from the United Steelworkers in connection with the Stelco and the Algoma dispute. At that meeting some seventyfive were in attendance and I understand there were about fifteen or twenty of our boys present. Whether Mr. Malloy's visit had anything to do with the resignation of these boys or whether it had not, I am not prepared to say, but it is only reasonable to assume that there was some connection.

Q. I would say from the presentations given here at the hearing of this Board that that No. 1 cause would be sufficient for them to send in their resignations, because they feel the Board as constructed is not to the best interests of their work. They definitely have an idea that the definitions given to company



ions here would certainly fit into that, and that any dispute between the workers and the management would be finally decided upon by the president. They would call that a company union of a definite stripe.

THE WITNESS: You would not think that was so if you only had two cases over a period of eight years. You would not think there was anything wrong there.

Q. It is so set up that you do not know what may happen in the near future. There are many points they wish to have settled or brought out and apparently they cannot get over that. They see that there will be no sure in regard to those points they desire to get

ms. A. You do not really believe that yourself?

Q. I would say that the set-up is that he is not a interested, final judge to pass on anything.

These gentlemen present themselves for election November.

Q. Last November? A. Yes. They are elected they try to get the other three members who were elected with them into their fold. You do not think they are really working to see the Works Council work? You would not think their whole ambition when they went on the Works Council was to really see it work properly.

Q. The nine? A. The eight. Do you think their whole ambition when they went on there was that they were going to devote their efforts to making that council work.

Q. Along their lines? A. Along their lines. They are elected to represent all the men in that plant,





not to just represent their own particular members. When they went in there they were elected to represent all the workmen in their divisions, irrespective---

Q. Do you know how many of your employees those nine represent? A. I would say around over 2,000.

Q. Out of what -- 4,500? A. Out of about 4,500, yes.

Q. Those nine out of twenty-two representatives represent about 50%, and I think they have a right to anticipate that the thoughts and the desires of 50% of those workers are similar to their thoughts and desires, and I think they went on it to try to get---

A. They had been on there for years gone by. Some had been members for years on the works council.

THE CHAIRMAN: Q. How long has the works council been in operation? A. Since July, 1935.

Q. You asked my friend, Mr. Mackay, could he not infer something from the fact that there had been only two appeals in seven or eight years? A. Yes.

Q. How could there be an appeal when you had eleven representatives of management and eleven representatives of employees? If the eleven representatives of the company did not want an appeal how could they get one?

A. That is covered, sir.

Q. How? A. It is covered. If it is a case of a stalemate then the next procedure is to appeal on it to the president.

MR.HAGEY: Q. You would not want to appeal to the crown attorney if you were the accused man? A. If they





are not satisfied with the decision of the works council the procedure is to go on up the different channels.

MR. FURLONG: Q. Did they ever appeal to you about the appeal not being adequate? A. How do you mean?

Q. Did the employees or the works council ever ask you for some different appeal tribunal than the president? A. I do not know as it has ever been discussed in council.

Q. But did the company, or you in your department, ever have any request for any change? A. No, sir. There has been, since this thing got hot, some talk around there about it. This is the statement which was made, and which was one of the bad features of the plant. It has been discussed in the last month or six weeks by many.

MR. MACKAY: Q. Has there been a request from either council or union for a vote to be taken for the purpose of declaring--- A. That is one of those appeals which went to the president.

Q. That went to the president? A. Yes. That is one of the two appeals.

THE CHAIRMAN: Q. What happened?

A. He refused it.

Q. That is the evidence we had before. A. Pardon?

Q. We had that evidence before. On what grounds did he refuse it? A. I can put his letter in as an exhibit if you wish. It is lengthy.

Q. Can you just give it to us in a few words?



A. You have the letter. I believe the letter has been presented to you.

Q. I think we did.

A. I am quite sure of that.

MR. OLIVER: Q. In the presentation for a vote, how many employees were in favour of having a vote? A. I do not know, sir. There was a meeting held, according to the newspapers, at which some three hundred were present. That is, when the Stelco and the Algoma matter was in dispute. It was said they were on stike. The headlines came out in the paper that 95% of the members of Stelco voted for a strike. That would indicate that 95% of 5,000 men were prepared to go on strike, whereas there were less than 300 at the meeting.

MR. HAGEY: Q. You would not blame that in the men? .

A. I am not blaming it on anybody, but the inference was, as it went across the country, that 95% of the men wanted to go on strike. The vote was taken when there were less than 300 present.

MR. FURLONG: Q. Has there been any strike in your plant? A. No, sir.

MR. MCKAY: Q. What would your objection be to the getting of these things over with and the permitting of them to take the vote? A. You know how these votes are broken. You have been in politics long enough to know how they go out and make promises they never expect to fulfil. You would not expect that if you had five thousand employees, that seven hundred or eight hundred could go to work and demand a vote and put you in the throes of all this publicity from the gates, and so on, to which



you would be subjected---

MR. HAGEY: Q. Have you not been through worse than that the last few weeks, the last three or four weeks? A. What do you mean?

Q. I refer to the agitation which has been running through the men.

A. You got that from the newspaper.

THE CHAIRMAN: There is evidence before the committee.

THE WITNESS: There has not been any of this agitation which has appeared in the press. We are going along and we are producing steel every day. There has been no interruption in the production of steel. Furthermore, there is not going to be.

Q. That is not the evidence before the committee.

A. I cannot help that, sir. We produce about 40% of the steel produced in Canada. We are certainly going to make every effort to do it, sir. May I proceed?

Q. Certainly. A. Thank you.

"Such collective bargaining plans as ours have been violently criticized in certain quarters but, in the last analysis, these employer-employee plans should be judged by the results secured, and we submit the following list of advantages enjoyed by our employees:

(1) PENSION PLAN

This was inaugurated January 1, 1920 and, since its inception, has paid out pensions aggregating \$831,252 to a total of 324 former employees. The cost is borne entirely by the company and the capital sums turned





over irrevocably from time to time and placed in the hands of Trustees for the support of the Pension Fund have amounted to a total of \$3,243.648.

(2) SICKNESS AND BENEFIT PLAN

This was inaugurated December 1, 1928, when \$500 group life insurance and \$10 per week sickness benefit together with medical attention were provided.

Q. That was before this committee was in effect?

A. Yes.

"Subsequently, following discussions in the Works Council inaugurated by elected representatives, its provisions were broadened to provide, for a contribution of \$1.45 a month,"

that is group insurance.

MR. MACKAY: Q. When did that come into effect?

A. Two or three years ago. The increase came in then, but then plan was originally started in 1928. It provided for \$500 life insurance. In 1930 it was increased to \$1m000 life insurance and \$15 per week sick benefits, along with medical services.

"\$17.40 per year, \$1,000 group life insurance, medical and surgical attention, as well as hospital expenses when necessary, in cases of illness or injury off the plant, and disability benefits of \$15.00 per week up to a period of 13 weeks for any one illness. In order to gauge the value of these benefits, \$1,000 life insurance alone at age 42, the average age of our Hamilton Works' employees, would cost



\$26.30 per year. During the year 1942, there were 609 sickness cases at Hamilton Works at an average cost to the Plan of \$76.26 each. The company pays approximately half the cost of this Plan by making up the difference between the cost and contributions received from employees.

(3) VACATIONS WITH PAY

During 1942 vacations with pay were granted to 3,779 payroll employees with five years' service or longer, at a cost to the company of \$162,155.

(4) MILITARY SERVICE PLAN

Employees in the service of the company six months prior to the outbreak of war, who had enlisted for overseas service, qualify for the privileges of this plan made effective October 1, 1939."

I would like you to get that. The war broke out on the first of September, 1939.

THE CHAIRMAN: The third.

THE WITNESS: This plan came into being on October first, 1939, a month after the outbreak of the war.

"At that early date in the war, substantially before the government made much a provision by Order-in-Council, the company undertook to re-store any employees returning from service in the Armed Forces to their former jobs or to the nearest thing to it available at the time, and to allow full credit for time spent in the Armed Forces in the employee's service record. Under the Plan their



rights and standing in the Pension and Benefit Plans are retained while they are in the service and their group insurance is maintained at the expense of the company. At the time of enlistment they receive two weeks' pay in addition to any wages due and, upon return to civil life, each will receive in cash the equivalent of fifteen per cent of the amount of his annual earnings at the time of enlistment for the full period of his military service up to a maximum rate of \$250 per year. Those employees who enlisted in 1939 have now several hundred dollars each to their credit in this fund, while those who enlisted later have proportionately less. In the event of death the amount accumulated to any employee's credit is payable to his beneficiary. Up to the close of 1942 the accumulated cost of this plan to the company had been \$228,618.00 and the annual cost is now at the rate of approximately \$120,000.00 per year."

Is there any question any member of the committee would like to ask in connection with that?

THE CHAIRMAN: No. It is very praiseworthy.

THE WITNESS:-

"(5) CHRISTMAS BONUS

As permitted by the regulations of the War-time Wages Order-in-Council, a special Christmas Bonus of \$25.00 was granted to all wage earners with six months' service or longer, with





proportionate amounts to new employees. This was paid December 24, 1942, and involved an amount of \$171,800.00.

(3) WAGES

"It has been the fixed policy of the company to pay the highest rates of wages in the steel industry in Canada."

Q. You are living in a big city? A. I do not think the cost of living index would show the cost of living as being any greater in Hamilton than in Sydney or Algoma. I have seen a comparison made, sir, and there is not one-half of one point difference.

"During the year 1942, annual earnings of all payroll employees at Hamilton Works averaged \$1,928.16 including cost-of-living bonus payments. The average hourly earnings were 78-1/2 cents."

MR. MCKAY: Q. Who would you take in on that?

A. Later on we have it split up.

Q. It seems a lot, and I thought you might take in the higher rates. A. We take all of them in and divide them by the number working in the plant.

Q. Do you mean the superintendent? A. No. These are payroll employees. I refer you to the words:

"During the year 1942, annual earnings of all payroll employees"

THE CHAIRMAN: Q. Is not everyone on the payroll or are there some who work for a dollar a year?

A. If you will let me, I will now deal with the analysis:





"An analysis of a recent payroll period showed the following distribution of wage earners by varying hourly rates:

	<u>No. of Employees</u>	<u>% of Em- ployees</u>
55¢ an hour and under	410	9.3"

Q. Are they beginners? A. We have some girls who start in at around 35¢ or 36¢ an hour. We have a labour gang, and they work ten hours a day. Their rate is 41-1/2¢ an hour. As a man grows old and he is not capable of carrying on the heavier jobs he may go back to the labour gang. We are not too hard on the fellows who are in the labour gang.

55-1/2¢ an hour to 65¢	1,115	25.3
65-1/2¢ " " " 75¢	869	19.8
75-1/2¢ " " " 86¢	865	19.8
85-1/2¢ " " " \$1.00	522	11.9
\$1.00½ " " and over	609	13.9
Total	4,390	100.0

#### (7) WORKING CONDITIONS

While production of coke, pig iron and steel has continued uninterruptedly 24 hours a day 7 days a week since the outbreak of war, shifts are so arranged that normally practically all employees do not work more than 6 days a week. For the year 1942 at Hamilton Works the average hours worked per week for all employees was 48.29. Modern washroom and sanitary facilities are provided and photographs of typical installations are submitted herewith."

I have some photographs, which I will now produce,



showing you some of our modern change houses. As we go along modernizing and building new buildings we try to keep a record of before and after. I thought the committee would like to look over these photographs and see what we have in the way of change rooms and change room facilities:

"Cranes, charging machines, electric controls, manipulators and labour-saving devices move materials and products as required without exertion. For jobs on mills and furnaces where heat and exertion are involved, unless such conditions are of limited duration with periods of relative inactivity between, spell hands are used and working schedules provide, for example, one hour on and a half hour off, or, in some cases, a half hour on and a half hour off.

#### (3) ACCIDENT PREVENTION

The steel industry has been regarded by many as an abnormally hazardous occupation. The management of the company has spared no expense to make all its equipment as safe as possible and has given its whole-hearted support in every way to the prevention of accidents in its operations with a good measure of success as the following information will show.

There are ten companies included in the steel-producing and rolling mill group established by the Workmen's Compensation Board of Ontario."

That is, group No. 7, Workmen's Compensation.



"In this group our Hamilton Works had the second lowest accident frequency for the year 1941 and the lowest frequency for the year 1942."

For your information, frequency is figured on the number of last time hours due to accident, figured on the number of hours per million of work.

"The following data comparing time lost by Hamilton Works' employees as a result of industrial accidents and from accidents occurring while away from work will also be of a good deal of interest:

		Due to Industrial <u>Accidents</u>	Due to Non- Industrial <u>Accidents</u>
1941	days lost	5,123	1,446
1942	"	4,855	1,909

In the city of Hamilton the records of the Wentworth Division of the Industrial Accident Prevention Association will disclose some fifty large employers whose accident frequency rates are substantially above that at Hamilton Works.

These results reflect the earnest cooperation between Safety Committees of the employees in all departments and the management of the company in this most important aspect of working conditions.

#### (9) VICTORY SUGGESTION COMMITTEES

Such committees are functioning in all departments at Hamilton Works and during recent months over \$2,100.00 has been awarded to those submitting suggestions which have been put into effect."





THE CHAIRMAN: Q. But, how is that relevant to collective bargaining?

A. What we are trying to point out---

Q. But you mean, if you had collective bargaining the accidents will increase, and if you do not have it they will not?

A. No, we have an interest, a human interest, in our employees.

Q. But, your point is that your interest in employees would disappear if they had---

A. No. We would just like to tell you what our employees are doing and the benefits we try to provide for our employees.

Q. I do not see how it is pertinent to collective bargaining.

MR. FURLONG: Q. If your employees joined the Steel Workers Union, and they took a vote and you found that 51% belonged to the union, would you enter into a collective bargaining agreement with them?

A. Well, I am not part of the management. I am not prepared to answer that.

Q. All these things you have done for your employees are very commendable. Following that thought through, do you not think it would be still more commendable if you acknowledged their rights to organize into a union of their choice and to then make an agreement with them? What difference does it make to you whether the agreement between your company is made between the company and the Works Council you now have or between the company and a committee which the union or the employees choose?

THE CHAIRMAN: Q. Was it not your evidence that the president would not give them a vote?

A. Yes. He



could not see the vote. In fact, I might tell you that there is an application before the Department of Labour for a Board under the Industrial Investigation Disputes Act at the present time.

Q. Frankly, I cannot see the short-sighted policy of your president in not agreeing to a vote. If the vote was taken secretly and fairly and there was a fair ballot and the employees voted for the works council, that would end the matter. If the C.I.O. got the majority vote, then if you are going to have peace and harmony, I would say, from the experience of other manufacturers, it would be better for the employees and for the company if they were allowed to sit down and bargain collectively. I cannot see what the president would gain by simply taking the arbitrary attitude "I will not take a vote" to see who has the majority there. ... What can he gain?

A. I do not know what your vocation is, but I presume you are connected with an industry.

Q. I am a lawyer. A. There are votes and are votes again.

Q. You heard me say a fair vote? A. Yes; but when votes are about to be taken, a skeleton contract is drawn up to show for what we are going to ask and what we are to get. If you are only paying a man 60¢ an hour and you tell him he is going to get \$1.20, it will certainly fire him.

MR. McLEOD: Q. You have already admitted at least 2,000 workers in your plant-----



Q. You admitted a moment ago that approximately 2,000 workers in the Steel Company of Canada---

A. No. I do not want to get it into the evidence that the 2,000 are workers. I said they represent the men in the divisions, but that does not say that those 2,000 men are steelworkers.

Q. At least, there are more than two or three?

A. Yes. There are about nine anyway.

Q. And the easiest way to settle that is by a vote?

A. May I go on, sir.

THE CHAIRMAN: Yes.

THE WITNESS: We had a payroll savings plan long before they started it with the government.

"(10) SAVINGS AND VICTORY BOND PURCHASE PLANS:

Before the outbreak of war the company inaugurated savings plans from time to time to encourage thrift among its employees, under which special rates of interest were paid on employees' savings. Such a plan was cancelled with the first War Loan campaign when the company put into effect a plan for War Bond purchases by employees through payroll deductions, under which no interest is charged employees on unpaid balances, and when bonds are paid for in full they are delivered with all interest coupons attached. A number of features of this plan have been adopted by the War Finance Committee and incorporated in what is now known as its 'Payroll Savings Plan' which is in general use in connection with sales of bonds to industrial





employees."

We are rather proud of this.

"That Hamilton Works' employees have done their part in supporting the financing of the war is amply borne out by the following record of their bond subscriptions in the various War Loan campaigns so far:

1st War Loan	\$183,900
2nd War Loan	243,800
1st Victory Loan	340,450
2nd Victory Loan	427,700
3rd Victory Loan	<u>353,450</u>
Total	\$1,555,300"

THE CHAIRMAN: We had some evidence the other day that after the unions got in they moved around and I think the subscription amounted to around \$300,000 and after that \$800,000. We asked them if they had put any heat on the members, or something, I think. Probably if you had the union there yours might soar up into astronomical figures.

THE WITNESS: To continue:-

"In addition, since the outbreak of war, \$177,763.82 in War Savings Certificates have been purchased."

We have a credit union at the Hamilton Works entirely approved by the employees. The only thing management did was to co-operate with the boys in getting it started.

Then, we come down to the service record. We





have a lot of old men in our plant, men who have been with us for years. I would like to put on record here the number of men in the service.

"The foregoing list bears ample evidence of the company's sincerity in its approach to the problem of good labour relations. That this honesty of purpose is recognized by its employees is borne out by the following figures on length of service:

"25 years or more service	1,011 employees	
20 to 25 years' service	688	"
15 to 20 years' service	961	"
10 to 15 years' service	657	"

A check recently indicated that approximately twenty per cent of Hamilton Works' employees are related to other employees. There are many cases of fathers and one or more sons in our employ which speaks for itself as, obviously, no father would encourage his son to enter the employ of a company which had not treated him fairly and well.

It has been our endeavour to extend additional advantages to our workers as the company's position improved and the added costs could be assumed and maintained irrespective of the business conditions which might prevail. It is not generally recognized, for example, that the cost of vacations with pay persists each year on a basis comparable with the force employed, and does not decline with any downward changes that may occur in the volume of business available. We consider it essential that, once



assumed, these costs supplementary to the wages paid should be consistently maintained regardless of the profits which may be realized, and, therefore, their assumption should be based upon an intention to continue them through thick and thin. Naturally, any single company (and it applies particularly to the steel industry which is subject to wide variations in rate of annual turnover) is not able to duplicate each and every plan adopted for the improvement of social security, but it has been our aim to provide those which are likely to prove of the greatest practical benefit to our employ-

The management of a company such as The Steel Company of Canada, Limited, has a three-fold responsibility -

- (a) To protect the shareholders, who are its owners;
- (b) To improve the position of its employees, and
- (c) To satisfy the consumers of its products.

As shown by the figures reviewed, the interests of its employees have been kept constantly in mind since the formation of the company in an honest attempt to share our success with those working with us.

As further evidence, the standard working week when the company was formed associated with continuous operations, such as coke ovens, blast furnaces and open hearths, was 84 hours versus the average last year of 43.29 hours for all employees of Hamilton Works. During the same period of time, the basic wage rate has more



that trebled.

With regard to the commercial aspects of the steel industry, our products are not, for the most part, sold to ultimate consumers, but largely to other manufacturers by whom they are further manufactured or converted into finished form. The steel industry is, therefore, basic in character and the sales policy of the company has endeavoured in its consumer relationship to give the fullest measure of support to re-manufacturing trades by the presentation of sales values calculated to encourage the use of its products. It is axiomatic that the development of the steel consuming industries can be expected only if based upon a commensurate development of basic steel production. Over a period of years, this company has broadened the range of its products in form and grades in step with the growth of re-manufacture and, in this process, has been able to sell at prices which have paralleled external prices to a greater degree as the time has passed, thereby securing a larger volume of tonnage and providing a growing volume of employment at better rates of pay.

Dealing with the shareholders' interests, it should be pointed out that several thousand dollars have been invested in our plant, equipment and so forth for each employee and added on it has been





re-invested by the shareholders to provide further improved facilities affording employment to a greater number of employees. The steady ploughing back into the enterprise of a portion of the shareholders' earnings each year has been of great value to all parties interested as it has made it possible to produce at prices which consumers are willing and able to pay and, at the same time, enabled the management to provide constantly improved conditions for its employee and pay a reasonable return to the shareholders in the form of dividends.

Our ideas of a successful enterprise are based upon the fact that the interests of the three groups just mentioned are mutual to a degree not acknowledged by some, and that the common endeavour should be surrounded with an atmosphere of the fullest cooperation. Each has its privileges but each must recognize its responsibilities one to the others if success is to be assured. To ignore these responsibilities and the economic conditions with which all are surrounded cannot lead to the full achievement of the ultimate purposes of the combination. For many years we have devoted much study to the human relationships of our business and we believe the review of our accomplishments and the harmony we have enjoyed in our relationships with our employees testify to the sincerity of our efforts. The stability of the employment we have been able to provide under



changing economic conditions has surpassed that of any comparable unit in the steel industry on this continent to our definite knowledge. Surrounding these employer-employee connections, we consider the closer the respective parties can come together the better. In all discussions with our employees, we endeavour to give them the fullest possible explanation of the facts and circumstances upon which any decision of the company is based so as to develop their full confidence in our sincerity of purpose. Just as we are anxious to use the best and most efficient equipment and processes for our manufacturing operations, so we are anxious to use the best methods of dealing with our employee-relationships, and we can conscientiously affirm that we have not seen in other alternative methods of employee-employer discussions any results which would lead us to change the plan on which we are now depending. Strife and discord will never advance the true cause of labour and we believe firmly in those processes which, on the contrary, will bind the respective parties more closely together.

Summing up, it is our considered opinion -

(1) That, based upon the results we have achieved, it would be a retrograde step to abolish by law any form of employee representation now in existence which provides a harmonious means of collective bargaining between employees and their



employers.

(2) Employees have the recognized right under federal Order-in-Council to join the union of their choice without restraint or coercion on the part of employers. Employees' freedom in this respect should not be abrogated by outlawing any particular form of union, provided it is a law-abiding body. Conversely, there should be no statutory requirement, either express or implied, that an employee must join or maintain membership in a union of any form, if he does not wish to do so, solely as an obligatory pre-requisite to obtaining employment or retaining it. There should also be no restriction of the right of individuals, or groups of individuals, to negotiate directly with their employers if they so desire.

(3) The success of any plan of bargaining between the two parties cannot be assured by any form of legislation, as satisfactory results can be achieved only by the creation of mutual respect, confidence, sincerity of purpose and a willingness and a readiness to abide by agreements reached."

MR. FURLONG: Mr. Chairman, that concludes the hearing so far as I am concerned.

MR. BREWIN: Mr. Chairman, might I say one word before you adjourn?



MR. MCKAY: Could you say one word, Mr. Brewin?

MR. BREWIN: Pretty nearly one word. I don't think you will mind my saying it. I was one of the first who came before the Board representing this Union. I was here a great deal of the time, and I happen to be here at the end. I would like to express on behalf of counsel and all those who are here our appreciation of the courtesy which the Committee has shown towards witnesses and counsel, and the great patience with which it has listened to everybody under sometimes rather trying circumstances.

I do not want to commit myself in advance to any approval of what this Committee is going to do, but I would like to say without reservation that we all feel, and particularly in respect of the Chairman, it would be wrong that these sittings should conclude without an expression of the way we feel, and our very great appreciation for the way the proceedings have been conducted.

MR. AYLESWORTH: I would like to identify myself with that.

MR. D. W. LANG: And I the same, Mr. Chairman.

THE CHAIRMAN: Now if the bill satisfies everybody we will all be gentlemen.

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---Communications received by Mr. Furlong after the sittings of the committee had concluded:

---EXHIBIT NO. 193: Letter dated March 16, 1943, from A.O.Thormahlen, Vice-President and Managing-Director Sawyer-Massey, Limited, Hamilton, to Premier G.D.Conant:-

"March 16, 1943.

"Premier G.D.Conant,  
Queen's Park,  
Toronto, Ontario.

"Re Special Parliamentary Committee  
on Collective Bargaining

"Sir:

"We are enclosing copy of a letter to the Chairman of the above Special Committee, which we trust is self-explanatory.

"A similar copy is being forwarded to all members of the Provincial Legislature.

"Respectfully submitted,

"SAWYER-MASSEY LIMITED

(sgd) "A.O.Thormahlen,  
"Vice-President and  
Managing-Director."

---

"COPY

March 15, 1943.

"The Chairman,  
Special Parliamentary Committee re  
Collective Bargaining,  
Queen's Park,  
Toronto, Ontario.

"Dear Sir:

"In the 'Toronto Star' of 5th March there appeared a report of evidence given before your Committee on 4th March by Mr.C.S. Jackson, of the United Electrical Radio Machine Workers of America. According to the above newspaper report, Mr. Jackson made the following charges against this company, which we presume were



required by your Committee to be given under oath.

"1. Mr. Jackson is reported, in the above-mentioned Press report, to have charged that when the Union (C.I.O.) proposed Collective Bargaining negotiations after a vote at our plant (Dec.4th) it was found difficult to arrange a meeting. We deny this charge. Discussions with the Union representatives took place on 8th December, 7th January, 14th January and 2nd February. A meeting scheduled for 27th January was postponed to 2nd February, when the field representative of the Union advised at the last minute that he had another engagement.

"2. Mr. Jackson is reported in the above-mentioned Press report to have charged that five or six people, alleged to be good friends of the Superintendent, approached employees to join the Sawver-Massey Employees' Association. According to the Press report in question, Mr. Jackson then proceeded, by inference, to charge that this Association was a Company Union 'engineered by Management, Superintendent or Foreman, or by a small group of Management directed employees.' This is a deliberate attempt to discredit an Association which was formed by a group of free thinking employees who objected to being represented and/or controlled by the C.I.O. On 23rd December they filed with the Management the following petition:-

"We, the undersigned, employees of Sawver-Massey, Limited, believe that, as Canadians, we are fully competent to negotiate our own welfare and working conditions, and that there is no obligation or necessity of paying any financial tribute to foreign labor organizations, in order to enjoy



that privilege.

"Therefore we formally protest allowing the C.I.O. or its subsidiaries, to represent us in any negotiations, and declare our intention of having our own elected committee represent us in any welfare discussions."

"The Management had no prior knowledge whatever of this movement, and neither before nor since has the Management had anything whatsoever to do with this independent Association other than to accord them interviews similar to those accorded the C.I.O. Union representatives, for the purpose of discussing matters pertaining to the welfare of employees. The management has asked for, and been given, a copy of the Employees' Association Constitution, which we find excludes Foremen and Superintendents from membership. We have no doubt that many employees (both C.I.O. employees and non-C.I.O. employees) are good friends of the Superintendent. This is a situation we are happy to see and anxious to promote in the interest of Employer-Employee relations. We deny, however, that Mr. Jackson's allegations have any foundation.

"3. Mr. Jackson is reported to have charged that at our plant 'a signed statement may be had that an employee was approached by two members of Employees' Association who were Company Inspectors, and told that if he would join he would get a raise.'

"It will be noted that Mr. Jackson carefully refrained from stating that a sworn statement might be had. Inspectors have no authority whatever to grant raises and a thorough check-up has failed





to bring to light any evidence whatsoever that would indicate even a remote element of truth in the above charge.

"4. Mr. Jackson is reported to have charged that in our plant men are joining the Association 'to get army deferments - the boss gets it for them.' If Mr. Jackson is correctly reported in this instance he is guilty of placing before you a deliberate falsehood. I personally have first hand knowledge of any applications for deferments and there is not the slightest foundation for anyone ever having made such a false statement.

"5. Mr. Jackson is further reported to have charged before your Committee that 'Company Union meetings are usually held on Company time, workers being called from their machines. In some cases workers who left their work to attend Company Union meetings outside the plant were reportedly paid for their time. In other cases, foremen and workers are reported to have neglected their work to spend time exhorting employees to join the Company Union.'

"In the first place we can only assume that Mr. Jackson is mistakenly referring to the Sawyer-Massey Employees Association when speaking of Company Union meetings. We defy Mr. Jackson to substantiate his allegations that employees attending any Sawyer-Massey Employees' Association meetings did so on company time. On the other hand the Company has been broadminded enough to pay C.I.O. Union employees for time spent in negotiations and also for a special meeting held



outside the plant during working hours.

"As far as the reference to foremen and workers soliciting memberships to the Association on Company time is concerned, no foreman has ever solicited memberships to the Sawyer-Massey Employees' Association on Company time or any other time, with the Management's knowledge or consent, and while individual employees may have done so, we can truthfully state that Mr. Jackson's allegation in this regard is certainly a case of 'the pot calling the kettle black.'

"6. Mr. Jackson is also reported to have stated before your Committee, in referring to this Company that 'the services of a Company lawyer were supplied to the Company Union.' In the first place the Sawyer-Massey Employees' Association is not a Company Union - it is an entirely independent association of Non-C.I.O. employees. In the second place this Company has not supplied the Sawyer-Massey Employees Association with the services of a lawyer or any other services. Mr. Jackson's allegation has absolutely no foundation.

"I respectfully request that this letter be read into the records of your Special Committee and that it be given the same publicity as that accorded Mr. Jackson's statements. If necessary I am prepared to appear before your Special Committee and reiterate the contents of this letter under oath.

"A copy is being forwarded to each member of the Provincial Legislature

"Yours very truly,  
 "SAWYER-MASSEY, LIMITED  
 (sgd) "A.O.Thornahlen,  
 Vice-President and Managing  
 Director."



---EXHIBIT NO.194: Letter dated March 16, 1943, from  
the Rev. T. H. Bradley to the  
Hon.Gordon Conant:-

"Bishops Mills, Mar.16,1943  
Box 4

"Hon.Gordon Conant.

"Dear Sir:

"For some time it has been on my mind to write some things concerning my experience with organized labor, and since collective bargaining is now under consideration, I thought I would address my letter to you.

"During the last war I was in Calgary, Alberta, supplying a mission which was not self-sustaining. I got work on the new bridge which was being built from Crescent Heights across the river. I was set to work shovelling gravel in a large pit. I was soft and not accustomed to such work, so you may be sure I was not hurting myself. However, the Union men around me began telling me to slow up, and when I paid no attention to them, about ten o'clock the boss came and removed me and put me on another job, where a machine determined my speed. You may not credit it but actually every man in that pit was pausing to glance over his shoulder three times every shovel of gravel he put on the cart. This is one of the principles of organized labor. Another is to pick a serious crisis as the time to strike

"Many industries have a plan of sharing profits with the employees on the basis of their salaries. This plan gives the employees an active interest in the business and has proven very successful, removing friction and saving the cost of strikes,





also doing away with the slow-down motive. If some such plan as this could be worked out it would bring about mutual cooperation between labor and capital and prove a great blessing to the world.

"Yours sincerely,

(sgd) "(Rev.) T.H.Bradley."

---EXHIBIT NO. 195: Letter dated March 16, 1943, from Grace M. Lediard, City Clerk, Owen Sound, Ontario, to the Hon.G.D. Conant:-

"Dear Sir:

"The enclosed Resolution from the City of Toronto with regard to Collective Bargaining bill was endorsed by the City Council at its meeting last night.

"Yours truly,  
(sgd) "Grace M. Lediard,  
"City Clerk."

"Moved by \_\_\_\_\_  
Seconded by \_\_\_\_\_

"THAT we endorse the Resolution of the City of Toronto with regard to Collective Bargaining Bill, as follows:

"WHEREAS the interests of our effort demand maximum and uninterrupted war production, cooperation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"WHEREAS the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

"WHEREAS all labour organizations in Canada have appealed for collective bargaining legislation as





already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed.

"BE IT THEREFORE RESOLVED that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that a copy of this Resolution be forwarded to the Provincial Government and to Roland Patterson, M.L.A.

"Carried unanimously."

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---EXHIBIT NO.196: Letter dated March 16, 1943, from H.C.Pilley, City Clerk, City of North Bay, to the Hon.G.D.Conant:-

"March 16, 1943.

Hon. G. D. Conant,  
Prime Minister of Ontario.  
Toronto, Ontario.

"Dear Sir:

"Enclosed herewith is a copy of a Resolution passed by the Council of the City of Toronto, and which has been endorsed by the Council of the City of North Bay.

"Yours truly,  
(sgd) "H.C.Pilley,  
"City Clerk."

---

"WHEREAS the interests of our effort demand maximum and uninterrupted war production, cooperation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"WHEREAS the adopted and proper application of



collective bargaining legislation would remove one of the chief causes of industrial disputes in wartime; and

"WHEREAS all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

"BE IT THEREFORE RESOLVED that this Council petition the Government of the Province of Ontario and requests that it do, at the present session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsation to the Provincial Government."

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-----EXHIBIT NO. 197: Letter dated March 17, 1943, from R. Hilliard, Secretary-Treasurer, Prince Edward Branch, No. 94, The Canadian Legion of the British Empire Service League, Windsor, to Premier Conant:

"Dear Sir:

"The attached letter was received and unanimously adopted by resolution at the regular monthly meeting of this Branch at Windsor, on March 11th, 1943.

"You are respectfully requested to give the matter contained therein your serious consideration. It is our hope that you will do your utmost to obtain just treatment of the splendid youth who are now protecting our future with their lives.



"We cannot over emphasize the importance of this issue and its urgency.

"Respectfully yours,  
(sgd) "R. Hilliard,  
"Secretary-Treasurer."

---

"Windsor, Ontario.  
"March 13th, 1943.

"To the Members of Branch 94,  
"Canadian Legion.

"Mr. President, Gentlemen:

"Your attention is hereby drawn to the proposed legislation under consideration by a select committee appointed by the Premier of the Province of Ontario under the Chairmanship of Speaker of the Provincial Legislature the Hon. J. H. Clark. This body has been authorized to investigate and to report on the proposed collective bargaining legislation by recommendations to the House, at the conclusion of their sittings now being held at Toronto.

"Testimony and briefs are being publicized daily in the press of the country from which it would appear that the majority effort is being put forward by organized labour. Careful scrutiny on the part of the writer has failed to indicate any consideration of the position of the absentee worker in uniform or of the uniformed youth, who, were he not now serving his country, would have a place in the industry of our land.

"The Canadian Legion have a definite responsibility to perform as guardians of the interests of enlisted men during their absence; and as such, to





be represented at the deliberations now being held, by competent representatives supported by legal counsel. Such representatives should particularly guard against inclusion in the legislation, of anything, which will in any way, alienate the rights of any enlisted man, or which will cause any ex-soldier difficulty or embarrassment in finding employment upon his discharge from the forces.

"The position of the enlisted man who had established seniority in industry, is already partially protected by clauses in many labour contracts, in which it is stated that such man's seniority shall accumulate during his absence. However, this seems hardly adequate, in that it appears to only guarantee his re-employment in the plant, or industry from which he enlisted, but does not guarantee him his old job or previous wage scale. The Legion's greatest concern should be directed toward guaranteeing a fair and equitable opportunity for the youth of Ontario who left school or college or lesser forms of occupation, to serve us in uniform. Any of these lads who can show the ability and who wish to enter industry, should be permitted to do so, at least, on a par with the youth who at the time of enlistment of the former, chose to go into an industry and work six months or such similar period as would guarantee his establishment on the seniority lists of his employer.

"To end this, the Legion must press for inclusion in any collective bargaining law, a preference clause, covering and protecting the returned soldier upon



discharge from the forces; and, a reasonable period of time in which to prove his adaptability to his chosen work; establish the right of any discharged soldier returning to, or entering industry, where seniority rights are established, to claim his place on such lists of plant seniority as of the day previous to his enlistment date.

"All the foregoing is submitted in the interest of National unity in the post-war re-establishment period, when Canadians in every part of the Dominion will suffer severely if unwise decisions or unfair treatment is permitted to be written into our statutes through lack of foresight at this time.

"The writer further suggests that providing the foregoing is acceptable to Branch #94, that it be accepted in whole or in part as an expression of the Branch and that it shall thereupon become a resolution addressed to the Provincial President, Canadian Legion; that a copy be immediately forwarded to the following persons -

"Hon. J.H. Clark	Chairman Select Committee
Premier Conant	Parliament Bldgs. Toronto
Hon. Geo. Drew	Leader Opposition Party
All Branches Canadian Legion in Ontario	
President	Canadian Legion, Dominion
	Command, Ottawa,
Canadian Manufacturers Association, Toronto.	

"Fraternally yours,  
 (sgd) "Howard M. Smaile,  
 "Chairman,  
 Veterans' Assistance  
 Commission, Windsor,  
 Local Committee."

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---EXHIBIT NO.198: C.P. telegram dated Windsor, March 18, 1943, from Murray Yuffy, President, Windsor BNA Brith Lodge, to the Hon.J.H.Clark, K.C., M.P.P.:

"Windsor, Ont, Mar 18 1943.

"Hon.James H.Clark, K.C.,M.P.P.  
Speakers Chambers, Queens Park

"Members regard very favourably proposed legislation aiming to eliminate discrimination being bill named discrimination prevention act proposed by John Glass stop United war effort furthered by aiming to abolish in this province occurrences smattering of Hitlerian tactics of discrimination against race creed and religion stop Your assistance in securing passing of this legislation will be appreciated and will show your agreement with full democratic principles stop This lodge looks to you for help and assistance.

"WINDSOR BNA BRITH LODGE  
"MURRAY YUFFY, PRESIDENT."

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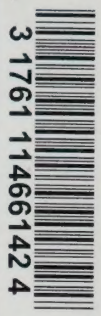












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